

CONTENTS.

| | PAGE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Correspondence—Foreign News—Books Received, | 9 |
| 1. Lord Brougham's Political Philosophy, | <i>Edinburgh Review</i> , 11 |
| 2. Amendment to the Constitution of the United States, | <i>Publishers' Circular</i> , 29 |
| 3. Right of Search Commission, | <i>Spectator</i> , 30 |
| 4. A Vision of Repeal, | <i>Do.</i> 30 |
| 5. Rev. Sydney Smith, | <i>Do.</i> 32 |
| 6. United States, Texas, and Canada, | <i>Do.</i> 33 |
| 7. Armed Suppression of the Slave Trade, | <i>Do.</i> 34 |
| 8. Economical Luxuries; New Titles of Honor; Noys' Maxims; Church Thieves; Wakley's Address; Carte; Mr. Caudle; Third Class; Baths for the Poor; New Tariff; Imaginative Crisis; The Pope, | <i>Punch</i> , 35 |
| 9. St. Giles and St. James, | <i>Jerrold's Magazine</i> , 40 |
| 10. Mornings with Thomas Campbell, | <i>Chambers' Journal</i> , 49 |
| 11. Anastatic Printing, | <i>Do.</i> 56 |
| POETRY.—Song of Expectation; The Evening Star, 29—With an Almanac, 48—Judæa Capta, 56. | |
| SCRAPS.—Accident to Mr. Wakley; The Magic Ball, 31—Dogs' Scent; Abba Father, 48. | |

CORRESPONDENCE.

THE most important part of the late news from England, is the great stride which Sir Robert Peel has made in the direction of Free Trade. He has entirely taken the duties off about four hundred articles, which yielded about seven millions to the revenue. Among those free articles are *cotton*,—which paid a duty of about a cent and a quarter a pound,—pearl ashes, lard oil, and many other articles which may now be largely shipped from the United States. We are especially pleased that many of these articles are the produce of the western country, which will thus be brought into closer connexion with England, and will not be so ready to quarrel with a good customer.

If we may put the church after the state, the news next interesting is the action of the University of Oxford upon Mr. Ward's book. It was decided by more than two to one, that passages of this book were contrary to the doctrine of the Church of England, and inconsistent with good faith in Mr. Ward, who had obtained preferment by subscribing her articles. Upon the question of degrading Mr. Ward, many persons doubted the authority of the convocation—but there was still a considerable majority by which it was done. It was then proposed to proceed to condemn Tract No. 90, but the proctors interposed their veto against the consideration of the subject, so that nothing was done in that matter.

Lord John Russell spoke of the state of affairs "across the Atlantic," as a reason why parliament should be contented with no *small* surplus in the Treasury.

There is a startling coincidence of allusions to commercial troubles, as if our "prosperity" were already hurrying us over the brink into the vortex of a "commercial crisis," such as signalized the years 1825-6 and 1835-6. In the distant west, an American paper describes a process of speculation which, after enriching European capitalists, has tempted Americans into such a scramble of exports and imports as to anticipate the genuine movements of trade, to glut the markets on both sides, and to induce a reaction. In the far East—in China—the way to the immense market opened to us has, as we foresaw, been choked by rash enterprise, heaping the Chinese with goods of which they have yet to learn the want, and for which they have no means of exchange; while the same rash enterprise has put the tea-trade into a temporary state of congestion. They have as yet nothing to give us legitimately but tea; but we do not want more tea while it is so dear in this country; and it must continue as dear while the duties in this country are so enormous. It is of no use, therefore, to smother them with gingham and broadcloths, which they do not want and cannot buy: yet they have been so smothered, and the exporters may bring upon themselves the usual consequences. Signs are observed at home. Lord Howick has denounced the inordinate and demoralizing speculation in railway shares; a game of hazard in which the board of trade throw the dice, and the gamblers, staking little fortunes, play for millions—staking ruin against infinite riches. The commercial Argus of the *Times* has discovered other tokens of a coming crash:

"Letters are constantly received denouncing the directors of joint-stock companies for all sorts of irregular practices; including the formation of them with insufficient means; the withholding of shares from *bona fide* subscribers, and selling them surreptitiously at a large premium at the same time; and finally a resort to the old and nefarious

system of 'rigging,' so often exposed on former occasions—which means the purchase for a time of a larger number of shares than are known to have been issued, which subjects the sellers on the day of settlement to such terms as the fraudulent buyers may think fit to impose."

There may be exaggeration in these vaticinations; but our prosperity is certainly alarming. The fatal day approaches, while we make merry in the city with festive wreaths:

"Fatis aperit Cassandra futuris
Ora, Dei jussa non unquam credita Teueris."
Spectator, 15 Feb.

IN the House of Commons, on 25 February, Sir Robert Inglis, moving for papers, drew attention to the compulsory emigration of liberated Africans from Sierra Leone. Up to the year 1844, the British government acted upon a liberal construction of the order in council issued on the abolition of the slave-trade, "that when landed in any place where there is a Court of Mixed Commission, the slave should be protected and provided for." Sir Robert briefly recalled the horrors to which slaves are subjected in the passage from Africa—horrors unavoidably protracted after the capture of a slaver until its arrival in port; so that the negroes, as Governor Nicolls said, "come out of the ships like ghosts." On the 12th June last, the Governor of Sierra Leone issued a proclamation under the authority of the colonial office, that allowances to liberated Africans landed in the colony would cease after adjudication; clothing and maintenance before adjudication being continued as before; and that should they prefer remaining in that colony instead of emigrating to the West Indies, they must provide for themselves. Now it is extremely improbable that persons landed under the circumstances described could exercise a fair and real discretion as to whether they would remain or migrate. Among the liberated Africans is a great proportion of children; in the *Progreso*, in which the Reverend Pasco Hill, author of a *Narrative of Fifty Days on board a Slaver*, took a voyage, there were 213 children out of 447 blacks: it is a mockery to give choice and option to the children, if even they could be given to the grown-up men. The governor, in fact, withheld the operation of the proclamation as to all children under nine years of age. Sir Robert contended that the government, having taken upon itself, by a benevolent despotism, the charge of the slaves, who have as little a choice of their own after the capture of a slaver as before it, cannot absolve themselves from the implied compact under which 52,000 Africans have been introduced into Sierra Leone and provided for. It has been said that the colony is expensive; but, taking the expenditure at an average of 10,000*l.* a year, is it not the fact that the revenue exceeds the expenditure? In that colony the Africans have extraordinary opportunities of education; and about one fifth of the population are under a course of instruction. Yet, in June last, liberated African children were required, under a peremptory order of the governor, either to be taken out to the people located in the villages, or to migrate to the West Indies; and 100 boys and girls actually did migrate. He did not object to admitting into the West Indies those who are really free; but this so-called option is like Dr. Johnson's description of a congé d'élire, which is recommending a man thrown out of a window to fall softly to the ground. Sir

Robert Inglis condemned also the preponderance of males who are allowed to migrate to the West Indies. He adverted to attempts made to obtain free laborers on the coast of Africa for Mauritius; contending that the demand would be supplied, like that for slaves, by the African kings, who possess an absolute property in their own subjects, and send them, or make inroads into other countries for prisoners of war. He called upon the house not to weigh the purse of the West Indians against the blood and lives of the Africans.

INTERNATIONAL COPYRIGHT.—In reply to Lord Mahon, on Monday, Sir Robert Peel said, that negotiations had been entered into on this subject with France, Belgium, and Saxony, for the purpose of giving facilities to the book-trade in those countries and in this. These negotiations were carried on for some time, but they did not lead to any final or satisfactory result. Negotiations were afterwards entered into with Prussia; and after a certain time it was alleged, on the part of Prussia, that the law of copyright in this country was defective and ought to be amended. Since that time, two bills had passed parliament to amend the law of copyright. The negotiations with Prussia were now renewed; and in the event of their being brought to a satisfactory conclusion, they might perhaps form the basis for the renewal of negotiations with other countries.—*Spectator*.

BOOKS RECEIVED.

From Messrs. Harper & Brothers, New York.

HARPERS' ILLUMINATED AND ILLUSTRATED BIBLE, No. 21. This work comes out very rapidly now. Among the other pictures is one of Mordecai sitting in the King's Gate unmoved as Haman passes by—and it really was very provoking.

THIRLWALL'S HISTORY OF GREECE, No. 8. 25 cents.

COPLAND'S DICTIONARY OF PRACTICAL MEDICINE, Part 4. 50 cents. Edited, with additions, by Charles A. Lee, M.D. This has a very lively Table of Contents on the cover, beginning Colic, Colon, Coma, Concretions, Congestions, &c.

HARPERS' ILLUSTRATED SHAKESPEARE, Nos. 43—44. Much Ado about Nothing. Price 25 cents.

From Greely & McElrath, New York.

POPULAR LECTURES ON ASTRONOMY. By M. Arago. With Additions and Corrections by Dr. Lardner. Price 25 cents. Dr. Lardner's Lectures have so much excited popular attention to the subject of Astronomy, that we presume this work will meet with the extensive sale it deserves.

The publishers have heretofore been issuing a series of "*Useful Works for the People*," the old stock of which was destroyed in the fire which lately consumed the office of the New York Tribune—and this is a new beginning.

We are far from agreeing with all the opinions of the New York Tribune; but it is conducted with so much energy, and (so far as we can judge) with such entire honesty of purpose, that we rejoice in its success, and wish well to all its collateral business—not doubting that the same desire to *deserve* well of the public, will guide the selection which the publishers make of books for the market.

From the Edinburgh Review.

Political Philosophy. In Three Parts. Part First. Principles of Government—of Monarchical Government. Part Second. Of Aristocracy—Aristocratic Governments. Part Third. Of Democracy—Mixed Monarchy. By HENRY LORD BROUGHAM, F. R. S., Member of the Royal Institute of France. Three Volumes. Svo. London: 1842-44.

THIS work was published, as may be seen by the dates, at successive periods. On the appearance of the first number, we expressed our satisfaction at a beginning being made to supply a great deficiency in our Political Literature; and we promised to examine and report on the whole work when it should be concluded. If any apology for our not having sooner performed this promise be due, either to the public or to the distinguished author, it is to be found, partly in the great extent and difficulty of the subject, and partly in the manner in which he has treated it.

The influence on human affairs of different forms of government, may be considered historically, theoretically, or practically: or, in other words, may be made the subject of a history, a science, or an art. The writer may describe the nature, and relate the origin, the growth, and the fate of the principal political constitutions which have actually existed. He may tell the causes—some the result of design, but more of accident—through which the early simple governments, in some cases, were preserved unaltered; in others were changed from one pure form into another; and in others became mixed. He may show how the mixed forms gradually grew more and more complicated; until at length the system of divided powers, of balances, and of checks, became unmanageable, and the machine, unfit to resist attack, or perhaps even to bear the friction of its own ordinary working, was broken up by foreign conquest or by revolution. This is the historical treatment of the subject.

Or, instead of relating what has existed, he may show what is capable of existing. He may explain the different modes in which the supreme power may be distributed or collected, the effects which it is the tendency of each form to produce, and the modifications to which that tendency is subject from intrinsic and extrinsic accidents—from the intrinsic influence of race, religion, climate, and situation, and the extrinsic action of one nation upon another. This is the scientific treatment.

Or, lastly, assuming that those who have the power of creating or altering the constitution of a nation have some given end in view—its power, its wealth, its freedom, its tranquillity, or its intelligence—he may show what is the constitution under which, in any particular case, any one or more of these objects is most likely to be effected, what are the incidental sacrifices, and how these sacrifices may be diminished. This may be called practical politics, or the *art*, as distinguished from the *science* and the *history* of government.

Whichever of these three modes of treating the vast subject of government were adopted, it could not be considered adequately except at great length. Lord Brougham has united them, and has therefore been forced to compress into one treatise the matter of three. This, of course, has rendered his work more complete in its outline, and less so in its details; and has also impaired

the continuity and cohesion of its parts. It has rendered it more useful as a book, and less perfect as a treatise. It is a sacrifice of artistical merit to utility.

By far the largest portion of the work is purely historical. Of the twenty chapters of the first volume, the last ten are devoted to the history of Monarchy in France, Germany, Italy, Spain, Portugal, Denmark, and Sweden; and the greater part of the remainder is employed in the history of the Asiatic despotisms, and of the feudal system. The second volume contains twenty-eight chapters, of which only the first six treat of the nature and consequences of aristocratic government; the remaining twenty-two being histories of the aristocracies of Poland, Hungary, Rome, Ancient Greece, Modern Italy, and Switzerland. The third volume contains thirty-five chapters, of which the first twenty-one treat of democracy and mixed government; and the rest contain the constitutional histories of England, the United States, France, Holland, Belgium, and Switzerland. Throughout are dispersed disquisitions as to the influence on human happiness of different administrative institutions, and precepts as to the modes by which they may be best adapted to given political forms; and frequently, after noticing the defects of existing institutions, the means of remedying them are pointed out.

For this mixture of narrative, of philosophical exposition, and of positive precept, so far as we are merely a part of the public, we are grateful; but as Reviewers, we feel that it gives us only a choice of difficulties. Anything like a general view of the whole work would be a condensed and yet meagre abstract; and if we select portions, and give to them their due consideration, a very few will be all to which we can afford any attention.

The historical part we shall not criticise—not certainly because we undervalue it—it is executed with great research and sagacity, and contains many brilliant and clear condensations, many striking comparisons and contrasts, and much valuable criticism, both historical and political—but simply because we have not room for it. From the practical portion, we shall select for examination a very few of the most important, or the most remarkable passages. Of the scientific portion, we shall endeavor to give an outline as full as is consistent, not with the importance of the subject, or of the treatise, but with our confined limits.

In the first chapter, Lord Brougham inquires into the origin of civil governments. He disposes summarily but efficiently of the rival theories of original contract, proprietary right, and prescription; and asserts that the rational foundation of all government—the origin of a right to govern, and a correlative duty to obey—is expediency—the general benefit of the community. In the second chapter, after stating the generally admitted proposition, that in every state there must be a supreme power, an individual or a body possessing authority in itself, legally absolute and uncontrolled, and that this authority may be exercised by acts, either legislative or executive, he proceeds, in the following passages, to give an outline of his subject, and to mark its principal divisions:—

“There are three great divisions under which governments, where they are of the simple and unmixed form, may be classed according to the hands in which the supreme power is lodged. It

may be vested in a single person, or it may be vested in a particular class different from the bulk of the community, or it may be vested in the community at large. In the first case, the government is called a Monarchy; in the second, an Aristocracy; in the third, a Democracy.

"In order that any one of these forms of government should be pure, the supreme power should be vested in one of these three bodies or authorities exclusively, and without any control or check from any other. A pure or absolute monarchy implies that the sovereign should have the whole power, legislative and executive, in his own person. If his power is shared, or if his functions are exercised subject to any control or check, the government is no longer purely monarchical, but in some degree mixed. In like manner, if the aristocracy shares its authority with the people at large, or allows any check over its operations to the people at large, or to any individual functionary *over whose creation it has no control*, the government is no longer a pure but a mixed Aristocracy—and so of a Democracy.

"It must, however, be kept in mind, that in order to detract from the purity of any of these forms, the supreme power itself must be actually divided, and not merely an arrangement made voluntarily by the party having the supreme power, and which only subsists during that party's pleasure.

"In a monarchy, the choice by the sovereign of a council to aid him in his office, or to exercise a portion of his power, does not detract from his power, and does not render the government a mixed one. [So,] if the sovereign can do whatever he pleases, except that the judges of his own nomination act for life—in other words, if all he is prevented from doing is judging causes in his own person—if he is independent of all other control in his legislative and executive functions, and only restrained by being obliged to judge through persons of his own nomination, even if these are named by him for life—we call it an absolute, and not a mixed monarchy. The limitations arising from this judicial arrangement are plainly little more than nominal, because he may choose such tools as he can rely upon, and has no one to control or watch his choice.

"Again, the purity of the democratic form is not diminished, by arrangements made for the purpose of enabling a people inhabiting an extensive territory to administer its own affairs. It may delegate for this purpose the legislative, the executive, and the judicial power to individuals as to bodies; it may be satisfied that these should be vested in certain portions of the community, and none remain in the nation at large, except the choice of those ruling portions; and still the government is purely democratic, and not at all mixed, because no body or individual exists in the community having power independent of the people—and because the people have not shared their own power with others over whom they have no control, but only deputed others to exercise their authority."*

We doubt whether Lord Brougham adopts a convenient nomenclature, when he applies the epithet pure to a monarchy in which there are irremovable functionaries, or to a democracy in which the people act through representatives. How can an absolute monarch be *prevented* from judging

causes in his own person? How can he be *obliged* to allow the judges whom he finds, or whom he has nominated, to retain their offices for life? The power that restrains or coerces him must at least be equal to his own, and in that case he is not, in fact, absolute—the constitution is not a pure monarchy. Again, if the people at large have retained, or rather have proposed to retain, no power but that of electing legislative and executive functionaries, it is clear that they hold that power merely at the will of those whom they have elected. The legislative body elected for three years, may pass a law that it shall sit for seven, or that it shall sit so long as it pleases, or that it shall be elected by only a portion of the people, or that it shall appoint its own successors, or that its powers shall be hereditary. If it be answered, that it would not venture to do so, the reply is, that the fear of resistance operates as a practical check on all governments whatsoever. Even in the purest democracy, the majority is controlled by the fear of provoking the resistance of the minority. But we have seen that there must exist, in every state, a supreme power uncontrolled by law. We are now inquiring as to the modes in which this supreme power may be distributed or collected, and for the purposes of this inquiry the question always is, what the individuals, or the bodies possessing a portion of this power, legally *can* do—not what they are *likely* to do; their *εξουσία*, not their *δυναμις*. Even if we suppose the delegation of legislative power to be partial as well as temporary—if we suppose that the people at large retains exclusively to itself, not merely the right of election, but also the power of altering the more important parts of the constitution—as is the case in the United States—can it be maintained, that the constitution remains equally democratic, whatever be the period for which that partial delegation is made? Can it be said, that if in one country the legislative and executive functionaries are elected for life, in another for twenty years, in another for ten, and in another every six months, the management of affairs in each country equally depends on the will of the people? And if the delegation of power for twenty years impair the purity of the democratic principle, so must, *pro tanto*, its delegation for six months, or for one month.

Lord Brougham admits, that if an aristocracy allows any check on its proceedings to an individual functionary, *over whose creation it has no control*, it is no longer a pure aristocracy. But if that check be effectual, it is *pro tanto* an introduction of the monarchical principle, even though the individual functionary be created by the aristocratic body. If, in a purely aristocratic government, the aristocratic body make a law appointing a president for life, and requiring his concurrence in all subsequent legislation, the government is from that instant partly monarchical. The will of an individual can now control that of the whole community. Like the horse in the fable, the community has taken a bit into its mouth and a rider on its back. And the effect is the same in kind, though not in degree, whether the president be appointed for life, or for ten years, or for a month, whether we have an absolute or only a suspensive veto.

The result is, that to obtain a precise nomenclature, we must confine the term pure monarchy to the form of government in which an individual is legally omnipotent—the term pure aristocracy to the form which allows no legal resistance to the

* Vol. i., p. 73 to 77.

will of the select body—and the term democracy to the form in which there is nothing to suspend or impede the action of the will of the bulk of the community.

It follows also, that the only form which is frequently found pure is monarchy. There are few aristocracies without a doge or a president, exercising a temporary but real control. Still more rare is a pure democracy. It is impossible in any state which is not small enough to enable all the inhabitants to attend the place of meeting; and even where there are no physical objections, the moral ones are generally sufficient to exclude it.

The majority of the forms adopted by the civilized world do not belong exclusively to either of these classes, but admit the principles of all. They are not monarchies, aristocracies, or democracies, but mixed forms, in which it is often difficult to say whether the monarchical, the aristocratic, or the democratic principle prevails.

It may be advisable, however, to state more fully what we mean by each of these principles.

The monarchical principle requires little further explanation. It consists, as we have already remarked, in the subservience of the will of the whole community to that of an individual. It is not essential to monarchical power that this subservience should be universal, or even general: it is not essential even that the individual should have the power to command. If there are any acts in which his concurrence is necessary, and there is no authority that can legally force him to concur, his power to prevent is, for many purposes, a power to act, just as a power to forbid is often equivalent to a power to command. It is, however, essential that he should form a part of the legislative body, not merely as a member, but as an independent branch; or, in other words, that he should have a veto, permanent or suspensive. If he have not, his opposition may at any time be legally got rid of either by a law, or by an arbitrary executive act. The President of the United States, therefore, has monarchical power; he can resist, and indeed often has resisted, the will of the community. The Doge of Venice had not. In his highest functions he was only a member of a council, unable to oppose the will of the majority.

The aristocratic principle consists in the possession of legislative power by a small body of persons.

The democratic principle consists in its possession, directly or indirectly, by a large number of persons.

These definitions are obviously vague. The excuse is, that the ideas which they express are vague. If we were to define the aristocratic principle as the influence of a minority, the democratic principle as the influence of a majority of the people, almost all the institutions which are usually called democratic must be called aristocratic. The only legal share in the government of France possessed by the people, consists in their right to elect the Chamber of Deputies. This is always held to be the democratic portion of the French constitution. But out of the thirty-four million inhabitants of France, not more than one hundred thousand are electors. Without doubt, the democratic element would be increased if the franchise were extended. But that the difference between the aristocratic and democratic principles consists rather in the positive number of the persons admitted to power, than in the proportional num-

bers of those admitted and excluded, will become evident; if we consider what would be the effect if the inhabitants of France were diminished, but the proportions of electors and non-electors preserved. If France contained only three hundred and forty thousand persons, of whom one thousand elected a legislative body, the institution would be aristocratic. On the other hand, if the British House of Commons were elected by the householders of the metropolis, it would still be a democratic, not an aristocratic institution, although the metropolitan householders constitute a small minority of the inhabitants of the British islands. The Ecclesia of Athens was a democratic assembly, though out of the four hundred thousand inhabitants of Attica, not twenty-five thousand had a right to vote. So far as the conduct of a body depends on their number, it must depend on their positive number, not on the proportion which that number bears to the number of some other class of persons. If that number be very large, it is subject to the contagion with which fear and hope, love and hatred—in short, all the passions—are propagated from mind to mind, and exaggerated as they are diffused. It is more generous and more cruel—more sanguine and more desponding—more rash and more easily frightened—more ready to undertake and more ready to abandon what it has undertaken—more confiding and more suspicious—more prone to erect idols and more prone to break them—than would be the case with the individuals composing it, if they had to feel, and to think, and to act separately. It is likely, as its number increases, to contain a larger proportion of ignorant, violent, and uncultivated persons. It is likely, in short, to possess the qualities—some noble, but most of them dangerous, hateful, or contemptible—which belong to a mob. On the other hand, in proportion as the number is small, it is likely to be cool, selfish, and unimpassioned; to allow its perseverance to run into obstinacy, and its caution into timidity; to be tenacious of old impressions and unsusceptible of new ones; to be steady in its sympathies and in its antipathies; to be sparing of reward and unrelenting in punishment; to be permanently grateful and permanently unforgetting; to be marked, in short, by the austere, respectable, but somewhat unattractive character which we associate with the name of a senate.

We have followed Lord Brougham in applying the term "aristocratic" to the legislative influence of a small number of persons; but we should have preferred, if usage had permitted it, the term "oligarchical." The word "oligarchy" is univocal, and is associated with no idea except that which it expresses. The word "aristocracy" is often used to express mere excellence, without any reference to power—as when we talk of the aristocracy of talent or the aristocracy of learning. Derivatively, it means either the government of the best numbers of the society, or, according to Aristotle,* a government *πρὸς τὸ ἀρίστον τῇ πόλει*—a government which endeavors to promote the welfare of the community, or the objects in the attainment of which the community thinks that its welfare consists. It has almost every defect, therefore, which an appellative can have. It is equivocal, it is associated with an extraneous idea, and its derivative meaning differs from both its received meanings. Its use, however, to express government by a few, is so established, that we think it, on the whole, best to retain it.

* *Pol.*, lib. iii. cap. vii.

In the remainder of the first volume, Lord Brougham treats of pure or absolute monarchy—that is, of the form of government in which there is no legal restraint whatever on the will of the reigning individual. He divides pure monarchy into Oriental or despotic, and European or constitutional. In each, the monarch is absolute—in neither is there any direct legal check to his will; in each, therefore, the checks are indirect, but in the former the only indirect checks are religious opinions, and the fear of resistance; in the latter, to these checks are added habits and feelings among the people, the results of a former prevalence of the aristocratic or democratic principle, now obsolete or abolished, and institutions which the monarch, though he has legally the power to destroy them, does not venture actually to destroy.

We doubt the convenience of this distinction. It is a distinction founded on the nature, not of the forms of government in question, but of the people who are subject to them. It is like the distinction drawn by Aristotle between *basileia* and *tyrannis*—the former being the absolute rule of one for the good of all, the latter, the absolute rule of one for his own benefit. Under the Antonines, as well as under Commodus, the Roman constitution was expressed by the maxim, *Quod principi placuit legis habet vigorem*; so, in Denmark as well as in Turkey, the will of the reigning individual cannot be legally opposed. The accidental circumstances, that the personal character of the monarch induced the Antonines to exercise their will beneficially, and Commodus to exercise his will mischievously, and that the character of the people, and the situation of the country, lead the despot, whatever be his personal character, to act very differently in Turkey and in Denmark, have nothing to do with the question, What is the form of government?

We think that the best mode of treating the subject would have been to consider pure monarchy, whether European or Oriental, as the same form of government, modified in its effects by the character of the people over whom it is exercised.

Lord Brougham's statement of the effects of absolute monarchy, when the state of society is favorable to their unmitigated development, is, as might be expected, eloquent and full. He describes the people as brutalized by fear, the despot by dominion, and all improvement as arrested by the jealousy of power. He inquires, whether pure monarchy have any redeeming qualities, and, with the single exception of a promptitude of decision and action, denies that it has any. But these he treats as doubtful merits, generally balanced by evils of the same kind with the advantages; promptitude of decision being often precipitate, and promptitude of action being impaired by want of means, occasioned partly by the deteriorating effects of despotism, and partly by its inability to call forth rapidly and fully the resources, such as they are, of its subjects. He does not exempt from his censure the influence of despotism even on the foreign concerns of a nation—its intercourse with other states, its treaties and alliances, on the maintenance of peace, or the prosecution of war. "To go no further," he says, "than the tendency of such governments towards war at all times, if in every other respect they were faultless, this would be their condemnation. War is emphatically the game of kings, and they will always love it, and, if absolute, will never cease to play at it, until the exhausted resources of their states, the

fear of revolt, or the danger of being conquered, force them into quiet."—(Vol. i., p. 151.)

That the monarchs who govern barbarous nations are prone to war, is true; and so are the rulers, and indeed the people in barbarous nations, whatever be the form of government. Uncivilized man is a beast of prey. The early history of every nation, democratic, aristocratic, or monarchical, is perpetual war. But when Lord Brougham attributes a peculiar tendency towards war to the monarchical principle—when he maintains that when a single individual has to decide on peace or war, he is more likely than an aristocratic body or a popular assembly to decide for war—we dissent from him.

What are the results of experience? Are the modern European nations pacific in proportion to their freedom? Is the peace of the world more endangered by Austria or by Prussia, than by France or by England? Have democratic institutions produced peace in America?

The motives to war are two—ambition and vanity. The one shows itself in the desire of an extension of territory or of influence; the other in the desire to acquire glory or avenge insult. The English people are free from ambition; perhaps they are the only great people that ever has been so. An English writer naturally associates the unambitious with the popular character of the government, and supposes that the former quality is the result of the latter. But the government of France is as democratic as that of England, perhaps more so, and yet she is absolutely mad with ambition. Nor is this peculiar to the present time. In proportion as the people of France have been able to influence their government, they have forced it on wars of conquest. The unprovoked conquest of Savoy was one of the first acts of the convention; it was immediately followed by the incorporation of Belgium and the subjection of Holland. The conquests of Napoleon seduced the French to endure his oppressions, and make them now idolize his memory. The pacific policy of the restoration was the great obstacle to its popularity. In the hope of pleasing the people, the government perpetrated the wanton invasion of Spain, and the experiment was successful. No sooner did the Revolution of 1830, lead the people to believe their influence supreme, than they demanded war and conquest, the boundary of the Rhine and the retention of Algiers. Even within the last year, the government obtained some popularity by engaging in the war with Morocco, and lost it again by dictating a triumphant but reasonable peace. That France is not now at open war in any part of the globe except Africa—that in Europe she is incurring only that portion of the evils of war which consists in the waste of the national resources on fortifications, armies, and fleets, and the discouragement of industry and commerce by the doubtfulness of the future—is altogether owing to the prevalence in her councils of the monarchical over the democratic principle.

If there be any portion of the world in which the desire of conquest is peculiarly irrational, it is America, where a population not greatly exceeding that of France is scattered over a country more than four times as large as Europe; and yet, throughout that hemisphere, ambition has been the curse of every state in which the influence of the people has become dominant. The democracy of the United States bullied Spain out of Louisiana, bullied Mexico out of Texas, rose *en masse* along

their northern frontier in the hope of seizing the Canadas, and is now ready for war, in the hope of appropriating the Oregon country, two thousand miles from their own back settlements. As for the southern republics, no sooner had they freed themselves from the monarchical influence of Spain and Portugal, than they began to fight with one another for frontiers; and that in a country where the great evils are the paucity of people and the extent of territory.

If popular governments are prone to wars of ambition, still more are they to those of vanity. Let any practical diplomatist say, whether it be easier to induce a minister who represents the will of an absolute monarch, or one who depends on the majority of a popular assembly, to repair or even to confess a wrong, or to accept equitable terms of satisfaction or compromise. The reasons for this are numerous, and, we fear, not likely to be removed or even weakened. In the first place, the secrecy which covers the negotiations between monarchs saves their vanity. A concession is easily made where its only real evil depends on its publicity, and that publicity can be prevented. A victory is of little value when it is recorded only in the archives of a state-paper office. A popular government lives in the face of day, and has to apologize to its own subjects for every act of prudence or of justice. In the second place, an individual can generally be forced to hear both sides of the question. There are few disputes in which each party is not in some degree in the wrong, or in which he can avoid perceiving that he is so; if once he be compelled to give a deliberate attention to all his opponent's arguments. The instant that this discovery has been mutually made, if there be no *mala fides*—that is to say, if the controversy arise not from ambition but from vanity, if it be the cause of quarrel, not its mere pretext—an accommodation is almost inevitable. A nation does not listen to reason. It cannot be forced to study both sides of a question, and never does so voluntarily. It reads only its own state-papers, its own newspapers, and its own pamphlets; it hears only its own speakers, it accepts all their statements of facts and of law; and holding itself to be obviously and notoriously right on every point, believes that it would be dishonored in the face of all Europe by the slightest concession. Again, every popular government is infested by faction. It always contains one party, sometimes more than one, whose great, and sometimes whose principal object is the subversion of the existing ministry. The foreign policy of a ministry is generally its most vulnerable point. It is the subject about which the mass of the people always understand least, and sometimes feel most. If a minister be bold, the opposition halloo him on to make extravagant demands, in the hope that he may be entangled by war or disgraced by retreat; if he be prudent, they accuse him of sacrificing the interests or the honor of the country, of surrendering to foreign ambition, or quailing before foreign insolence. And lastly, there is in every nation in which the democratic element prevails, an important power whose immediate interests are opposed to peace, external as well as internal, and that is the daily press. A newspaper lives on events. It lives by taking of those events the view that agrees best with the passions and prejudices of the people. It pleases them best by stimulating their pride, their vanity, their resentment, and their antipathies. It is the demagogue of a nation of readers; and, like other

demagogues, is generally popular in proportion to the violence and the mischievousness of its counsels.

It is true that an undue tendency to war, or at least an insufficient dread of its evils, is frequent in every government—whether the monarchical, the aristocratic, or the democratic principle prevail; but so far from believing that this defect belongs peculiarly to monarchical government, we believe that form of government to be, on the whole, less subject to it than any other, except perhaps a pure aristocracy.

We now proceed to consider the other of the two branches with which Lord Brougham has subdivided pure monarchies, namely, the monarchies which he terms constitutional—those in which the authority of the sovereign, though legally unfettered, is moderated by popular habits or feelings, the relics of lost privileges, or by institutions which he cannot venture to abolish. Of these institutions the most important is an hereditary nobility. Lord Brougham treats it as the test which distinguishes constitutional monarchy from pure despotism.

We extract from Lord Brougham's statement of the effects peculiar to this form of government, the small portion for which we have room—

"A monarchy is naturally extravagant—it is splendid and it is expensive—it is reckless of the general suffering from the burdens of taxation; and it is prone to consider only the interests and enjoyments of courts and persons in authority. A richly endowed hierarchy—numerous governments of towns and provinces—a large military staff—in maritime countries expensive colonies—must all be kept up to provide for the nobles and their families, and their followers.

"The maintenance of a standing army, numerous, expensive, and well disciplined, is another charge upon all monarchies. Large armies are incompatible with the genius, almost with the existence, of a commonwealth. With the institutions of a pure monarchy they square perfectly—they are in complete harmony with its spirit.

"The whole arrangements of the state are modelled upon the monarchical footing. In a country where the public are wholly excluded from the administration of state affairs, they cannot safely be admitted to manage even their own local interests, because the habit of acting in these would inevitably beget the desire to interfere in the affairs of the community at large.

"The influence of the monarchical principle, but especially when combined with aristocracy, as in European monarchies it ever must be, tends to the establishment of a division of property, not very wholesome for public liberty, or for the character of the people, though attended with some redeeming consequences: we allude to the rule of primogeniture. The law of entails is the abuse of the law of primogeniture; and their consequences are prejudicial to the happiness of families, as well as to the wealth and commerce of the country.

"The will of the court and upper classes becomes the law, and their habits the example for all. Court favor and the countenance of nobles are the objects of universal pursuit. No spirit of free speech or free action can be said anywhere to exist. Among the upper classes, those who are brought into immediate contact with power, fear prevails almost as much as in pure despotisms. The alarms, the suspicions, the precau-

tions, prevalent in the society of the superior classes in Italy and Germany, are almost equal to any which can be observed in the courts of the East.

"The vigor of the monarchical government, both at home and abroad, is the quality most boasted of by its admirers; and to this it can lay claim from the unity of its councils, and the undivided force which it brings to their execution. But there is one virtue which this constitution and all monarchy possesses beyond any other—the fixed order of succession by inheritance. In this respect it excels both despotisms and commonwealths. The former are constantly subject to revolution and violence; the latter are unstable from opposite causes; but monarchies, established by law and accompanied with regular institutions, have the hereditary principle of succession in perfection. That this rule leads to great occasional mischiefs, there can be no doubt. Nevertheless, the dangers which are sure to result from suffering the place of chief magistrate to be played for by intriguing, or fought for by ambitious men, are so formidable as to make reflecting persons overlook all lesser risks in the apprehension of the worst of calamities, civil war. This is the redeeming quality of monarchy; it is far enough from leaving the question all one way, but upon the balance it gives a great gain."—(Vol. i., p. 357 to 363.)

We have already remarked that pure democracy is impossible in any country larger than an ordinary English parish; and there is no case in Europe, modern or ancient, in which any nation on the scale of the great European monarchies, has adopted enough either of the aristocratic or of the democratic principle, to entitle its form of a government to be described as an aristocracy or as a democracy, and has retained that form for a period sufficient to enable us to estimate its permanent effects. The modern American States, indeed, are essentially democratic; but the situation of the United States, without a formidable neighbor, is too peculiar; and the independence of the others is too recent, to allow them to be used as fair objects of comparison. It is impossible, therefore, to infer from actual experiences, whether, if thirty, or twenty, or ten millions of persons constituted one nation, with a government essentially aristocratic or essentially democratic, and surrounded by other powerful states, that government would have a less tendency to extravagance, to the maintenance of large standing armies, to centralization, or to primogeniture, than is now the case with Austria or Prussia. As direct proof is unattainable, we will inquire into the results, on each point, of analogical reasoning.

First, as to extravagance. The mixed governments of Europe, those which are distinguished from its absolute monarchies by a strong infusion of the aristocratic or democratic principle, are in general also distinguished by their greater public expenditure. The expenses of the Danish, the Prussian, or even the Austrian court, are insignificant, compared with those of the courts of England or France; or indeed, if the extent of territory and population be compared, of Holland. The amount of the annual taxation compared with the population, is more than three times as great in each of the three mixed governments, as it is in any of the three absolute governments. There is, indeed, one great source of expense in mixed governments, from which absolute governments are comparatively free—the creation of offices for the sake

of patronage. An absolute monarch can give money, and that is always the cheapest way of rewarding or buying. In a mixed government, a place is created or retained, duties are attached to it—generally useless, often mischievous; still, as they are troublesome, they must be remunerated, and a claimant who would have been satisfied with £100 a-year as a pension, must have £300 on the condition of residence and employment. It is thus that England retains its three hundred Ecclesiastical Courts. Every one admits that two hundred and ninety-nine of them are instruments for the creation of trouble, delay, and expense. An absolute government would sweep them away by a decree of ten lines. Every year the mixed government of England attacks them, and is repulsed.

Second, the amount of the standing army of a nation seems to depend little on the form of its government. The largest in proportion to its population is that of Holland; the next is that of France; the smallest is that of China. When Spain and Portugal were absolute monarchies, their standing armies were trifling, and so are those of most of the Italian monarchies. Ireland, with eight millions of people, requires a standing army more than twice as large as is necessary in Great Britain, with a population of above twenty-one millions.

Third, again, with respect to centralization. France, under a mixed government, is incomparably more centralized than she was under an absolute monarch. The local administration of Spain under her absolute kings was almost democratic. So was that of Norway, when she formed part of the absolute monarchy of Denmark: so is that of India, though she has been ruled by absolute monarchs for twenty-five centuries. An Indian village scarcely knows the existence of its monarch except through his revenue-officers. The fortunes and lives of the inhabitants are at his mercy; but while his taxes are paid, he abstains from all interference. The tendency of the British government is at once towards democracy and centralization; and every advance towards the former is generally accompanied by a much greater advance towards the latter. So far from believing that the exclusion of the people from political power is likely to exclude them from the management of their local interests, we are inclined to think that an absolute government, partly to avoid trouble, partly to avoid expense, and still more from carelessness, is more likely than any other to abandon to the parishioners what it considers the trifling matters of the parish.

Fourth, primogeniture is natural only in a peculiar state of society, that in which the possession of land gives political power, proportioned in some measure to its extent or value; and even then seldom exists except among the owners of land. It is essentially an aristocratic custom. In Oriental despotisms, therefore, where the land is generally the property of the sovereign, it is unknown. It is rare in the United States of America, except in the Southern States, where a proprietor can vote for his slaves. It is rare in the British islands, excepting among the high landed aristocracy. No man with a fortune consisting of £20,000 in the funds, or even of a landed estate worth only £20,000, thinks of making an eldest son. Even if it were lawful in France, it probably would be uncommon. The aristocratic element is so weak in France, that the slight amount of political power

which a man could secure to his son by leaving to him his whole property, would seldom be sufficient to conquer his natural feelings of parental justice. The prevalence of primogeniture in the absolute European monarchies, arises from the former prevalence among them all of the aristocratic element. The monarchs have always endeavored to restrain it. In England, perpetual entails were abolished by the Tudors, the race under whom the monarchical element was strongest. In Scotland, where the aristocratic element has always been more powerful than in any other part of the British islands, a larger proportion of the land is subject to perpetual primogeniture than in any country in Europe, except perhaps some parts of Germany.

We cannot think, therefore, that either extravagance, standing armies, centralization, or primogeniture, flow naturally from the monarchical principle. And we must add, that even if we thought monarchy peculiarly favorable to these three latter institutions, we should not treat that tendency as necessarily a vice. Standing armies, indeed, may be too large, and centralization may be excessive; and such is generally the case on the continent of Europe. But they each may be deficient. The standing army of America is insufficient to keep her at peace at home or abroad, to prevent her inhabitants from injuring one another, or from attacking her neighbors. The local authorities of England are the seats of ignorance, selfishness, jobbing, corruption, and often of oppression. Every diminution of their power has been an improvement; and, if we had room, we could show that the case is the same as to primogeniture. Both the power to entail, and the wish to exercise it, may certainly be excessive, as we think they both are in Scotland and in Germany; but both or either of them may be deficient, as we think they both are in France and in Hindostan.

We agree with Lord Brougham that the influence of absolute monarchy, even when tempered by European civilization, is unfavorable to the character of its subjects. We agree with him that it is destructive of free action, and, to a certain degree, of free speech, and that it impairs most of the manly and independent virtues. But we do not believe that "the alarms, the suspicions, and the precautions prevalent in the society of the superior classes in Italy and Germany, are almost equal to any which can be observed in the courts of the East." That where every man of eminence is conscious that he hates the existing government, and is anxious to subvert it, he should be always on his guard against betraying his feelings and his wishes to the distributors of punishment and favor—and that the government itself, knowing that all the ground beneath it is mined, should be always on the watch for an explosion—all this is inevitable in countries which have been recently the scenes of revolutionary movement; and where the sovereign owes his power to conquest, or to foreign support, or to promises treacherously evaded or shamelessly broken. But this state of mutual alarm, suspicion, and precaution, is not a necessary incident to the absolute European monarchies. It does not exist in Prussia, or in Denmark, or in the German provinces of Austria, or, in fact, in any portion of Europe, except parts of Russia, Poland, and Italy. On political subjects, without doubt, there is less freedom of speech in Vienna or

in Berlin than in Edinburgh or in London; but there are other subjects on which there is much more; and we believe that it would be safer to talk Chartism in Naples than Abolition in New Orleans.

We fear that we shall be thought paradoxical if we suggest some doubts as to the superiority which Lord Brougham ascribes to the principle of succession, over that of election, in absolute monarchies. In limited monarchies, where the king reigns but does not govern—where he has only to accept the ministers who can obtain a parliamentary majority, to sign whatever they lay before him, and to receive their resignations when they find it necessary to retire—there is scarcely any drawback to the advantages of hereditary succession. The sovereign's great office is to be a keystone, merely to fill space—to occupy the supreme station, in order to keep others out of it. He may be—perhaps it is better that he should be—the person in his kingdom who knows least, and cares least, about politics. His personal character is comparatively unimportant. We say comparatively; because, even in the most limited monarchy, the social influence of the sovereign for good or for evil is considerable. His habits and tastes are always matters of notoriety, and often of imitation. Access to his society is always coveted. He may give that access in a manner useful, or mischievous, or absolutely indifferent. He may call to his court those who are most distinguished by genius or by knowledge; or those whose only merit is their birth or their station; or parasites, buffoons, or profligates. Even in the appointment of ministers, he may sometimes exercise a sort of selection. He is sometimes able to delay for a short period the fall of those whom he likes, and the accession of those whom he dislikes; and he can sometimes permanently exclude an individual. But even these powers he can seldom exercise unless in a state of balanced parties. If one party have a decided ascendancy in the legislative assemblies, and in the constituencies, the limited sovereign is little more than a phantom; and there can be no doubt that it is better that a phantom should be hereditary. An absolute king always is, or ought to be, a substance. Supposing such a monarch to covet the leisure, the quiet, and the irresponsibility of a limited king—to desire that the fittest persons should be his ministers, and manage public affairs without his interference—how is he to discover who are the fittest persons? How is he to avoid appointing or retaining persons positively unfit? He has no parliament to direct his choice—no opposition to expose the errors of those whom he has chosen; he cannot mix in society, and hear the independent voice of public opinion. Even the press gives him little assistance: first, because a free press probably cannot exist—certainly never does exist—in an absolute monarchy; and secondly, because the press is never a well-informed, an impartial, or even an incorrupt adviser. A king governed by newspapers would resemble a judge who should allow himself to be influenced by anonymous letters. There is one mode, and only one mode, by which he can satisfy himself that his ministers are fit for their office; and that is, by giving up his scheme of non-interference, and performing himself a great part of their functions. Every absolute king who is an honest man, must be in constant communication with the heads of every department—he must take part in

every council—he must exercise his own judgment on every important measure—he must, in short, be the chief of his own cabinet. But if the exercise of the art of government—the most important, the most complicated, and the most difficult of arts—the art which requires most knowledge, most intellect, and most virtue—is advisedly to be thrown upon a person appointed by accident, and, as Lord Brougham has well remarked, probably rendered by education even less fit than he was by nature, some vast advantage must counterbalance these enormous evils.

Lord Brougham finds this advantage in a diminution of the chances of civil war. But does this advantage really exist? If Europe possessed a universal, a well-known, and an unalterable law of hereditary royal succession, and if the facts calling that law into operation were always certain and always notorious, so that, on the decease of a king, there never could be a doubt as to his legitimate successor, we should have, what Lord Brougham terms, “the hereditary principle of succession in perfection.” But it is obvious that such a law does not exist, and cannot exist. In some absolute monarchies, the law of succession excludes females—in others it excludes foreigners—in all it excludes bastards—and in all it necessarily can be altered by the reigning monarch. If the Salic be the existing law, and the monarch has only daughters, he abolishes it, like Ferdinand VII. of Spain. If it admit females, and the reigning monarch wishes to exclude them, he abolishes it, and introduces the Salic law, like Philip V. of Spain. In each case a civil war is probable. If he have no issue, he adopts—if his issue be illegitimate, he legitimizes it. Even if it be legitimate, its legitimacy may be contested, and the peace of the kingdom may depend on a mixed question of law and fact, in which every element of the decision may be doubtful. The children of kings generally make royal marriages, and the party who ascends, or becomes likely to ascend a foreign throne, is generally required, before he leaves his own country, to renounce all claims to its succession. Is such a renunciation binding on the renouncing party? Is it binding on his issue? Those who might claim if there had been no renunciation, always maintain that it is not—those who claim against it, that it is; and the consequence is, as in the case of the Spanish succession after Charles II., a complication of foreign and civil war. Again, most monarchies are composite, and the different parts are subject to different laws of succession. Females succeed in Jutland, and are excluded in Holstein. If the prince-royal of Denmark should die, as will probably be the case, without male issue, will the kingdom of Denmark be dismembered? If kept entire, will it be at the expense of civil war? Or will the result be an unopposed usurpation, like the retention of Sardinia and Montserrat, both female fiefs, by the present king of Piedmont, in disregard of the claims of his predecessor's daughter? If we compare the wars of succession, foreign and civil, which have laid waste Europe, between the Norman Conquest and the French Revolution, it will be found that they exceed all other wars put together in number, and still more in duration. A war of succession is the most lasting of wars. The hereditary principle keeps it in perpetual life—a war of election is always short, and never revives.

On the whole, if it were possible to keep an

absolute monarchy elective, we should hold that form of government, bad as it is, to be more conducive to the welfare of the people than an absolute hereditary monarchy. It secures the object of monarchy—the management of public affairs by one strong will and one sagacious intellect. No English monarch equalled Cromwell or William III.—no French monarch Napoleon or Louis Philippe. Absolute hereditary monarchy secures nothing—not even, as we have seen, undisputed succession. But, excepting in one peculiar case, no absolute monarchy can remain elective. The monarch has, by supposition, the power to render his throne hereditary; for, if he have not that power, he is not absolute. If he have it he will exercise it. Even Marcus Antoninus delivered the whole civilized world to Commodus. The difficulty was long ago stated by Aristotle—“It has been supposed,” he says, “that a king having the power to make his son his successor, may not exercise it. But this cannot be believed. It would be an act of virtue of which human nature is incapable.”—(*Pol.*, lib. iii. cap. xv.)

The exception to which we have referred, is that of the Roman Catholic ecclesiastical monarchies. Of these monarchies, so numerous until the end of the last century, we believe that the Papacy alone remains. It is the only one which Lord Brougham has thought worthy of his attention; and yet the others deserve to be mentioned, on account at least of their number and their durability. In Germany alone there were seventy up to the close of the last century. Many were considerable—three were Electorates. In many of them the succession of archbishops or bishops, or abbots, or abbesses—for in several of them the ruler was a nun—lasted for more than one thousand years, uninterrupted by foreign violence or by revolution. And yet nothing could be more absurd than the system of election. A man qualified himself for the exercise of the highest legislative and executive functions by renouncing the world, by studies which have no connexion with its affairs, by unacquaintance with men and with things. The electoral body consisted in general of persons similarly educated, and so did all the executive functionaries; so that unfitness seemed to be the qualification for office.

These strange governments, however, were not unpopular. It was thought good to live under the crossier. They were regretted while those who had experienced them lived. The elective sovereign must in general have been a man of some distinction. He had not been spoiled by the early possession or the early prospect of power, and he was often anxious to dignify, by some acts of permanent utility, a dynasty which began and ended with himself.

Omitting, for the reasons already given, the remainder of the first volume as historical, we proceed to the second, which treats of aristocracy.

Lord Brougham defines aristocracy to be the form of government “in which the supreme power is in the hands of a portion of the community, and that portion is so constituted, that the rest of the people cannot gain admittance, or can gain admittance only with the consent of the select body.”—(*Vol. ii.*, p. 1.) He does not lay down any ratio of the governing, to the excluded portion of the community, as essential; and as he admits that the exclusion of the Roman Catholics, by the penal laws, did not render the government of Ireland an aristocracy, and that the exclusion

of slaves did not render Athens, and does not render Virginia aristocratic, it follows, that he does not consider a government an aristocracy, although the supreme power is in the hands of a minority *relatively* small, if the number of persons constituting that minority be *positively* great. But it must be admitted that the words of Lord Brougham's definition are more extensive; and so are the words of every definition of aristocracy that we have seen. We believe that the best corrective of the established nomenclature would be to introduce a cross division, and to divide governments not only into monarchical, aristocratic, and democratic, with reference to the possession of power by one, by few, or by many; but also into *exclusive* and *non-exclusive*, with reference to the admission to power, or exclusion from it, of particular classes. Pure monarchies are, in one sense, the most exclusive, since all power is concentrated in the prince. In another sense they are the least so, since he can delegate, or even transfer it, as he pleases. All other forms are more or less exclusive. Wherever slavery prevails, slaves are excluded. With a very few exceptions, one of which occurs in an Anglo-American state, women are always excluded. In most governments, persons bound by a foreign allegiance are excluded, though there is now an example in Europe of a person who is a king in one country and a peer in another—who exercises in one, supreme legislative and executive authority, and in the other, can merely vote and protest. In many countries, all who do not profess a particular form of religion are excluded; in many, all who do not belong to a certain race; in still more, all who do not possess a certain amount of property or income. The representative institutions of France are democratic, but highly exclusive. They are democratic, because they give political power to a very large number of persons. They are exclusive, because they deny that power to a much larger number. The English house of lords is an aristocratic institution—it gives power to a small number of persons. It is very slightly exclusive, since it is open to all males professing Christianity, and born in the British allegiance.

The most convenient definition of a pure aristocracy then is, the form of government in which the whole legislative power is vested in a small number of persons, without any legal control by the people at large, or by any individual. Such aristocracies are, as Lord Brougham remarks, rare; but as the aristocratic element is widely diffused, it is an important subject of investigation; and the best mode is that which he has adopted, namely, to ascertain the qualities of a pure aristocracy, and thence to infer the influence of the aristocratic element in mixed governments. The vices ascribed by Lord Brougham to aristocracy are, that it places the government in the hands of persons, 1. irresponsible; 2. uninfluenced by public opinion; 3. affected by interests differing from those of the community at large; and, 4. peculiarly unfitted by education for exercising the high functions of their station.

"The training," he says, "of patricians, next to princes, is peculiarly adapted to spoil them. They are born to power and preëminence, and they know that, do what they will, they must ever continue to retain it. They see no superiors; their only intercourse is with rivals, or associates, or adherents, and other inferiors. They are pampered by the gifts of fortune in various other

shapes. Their industry is confined to the occupations which give play to the bad passions. Intrigue, violence, malignity, revenge, are engendered in the wealthier members of the body and the chiefs of parties. Insolence towards the people, with subserviency to their wealthier brethren, are engendered in the needy—too proud to work, not too proud to beg; mean enough to be the instruments of other men's misdeeds, base enough to add their own."—(Vol. ii., p. 55.)

He adds, that it is the tendency of aristocracy to produce among the people a general dissoluteness of manners, eagerness in the pursuit of wealth, and extravagance in its employment; and "not only to vex and harass, but to enslave men's minds. They become possessed with exaggerated notions of the importance of the upper classes; they bow to their authority as individuals, not merely as members of the ruling body—transferring the allegiance which the order justly claims, as ruler, to the individuals of whom it is composed; they ape their manners, and affect their society. Hence an end to all independent, manly conduct."—(Vol. ii., p. 57.)

We regret that the necessity of curtailment has prevented our inserting more of this passage. Much of the great vigor and vividness of the original depends on its developments and illustrations. But we have extracted enough to show its great merit rhetorically as well as philosophically; and it has the additional value of being testimony. The author belongs to the class which he describes—he paints those with whom he lives. But if we examine the picture in detail, it will be found that many of its features belong not to the institution itself, but to the forms which it has most usually assumed, particularly in modern times: or to other institutions with which it is only occasionally and accidentally connected. Thus the distinctness of the interests of the ruling body from those of the community at large, belongs to all governments in proportion, not as they are aristocratic or democratic, but as they are exclusive. It was its exclusive, not its aristocratic character, which occasioned the Protestant government of Ireland to be mischievous. So the slave legislation of the Southern Anglo-American States—perhaps the legislation by which the interests of the great majority of the inhabitants of any country have been most cruelly and most shamelessly sacrificed—is the legislation of a government eminently democratic. So Lord Brougham treats as aristocratic the unjust advantages given by British legislation to landowners; but they arise from the exclusive, not from the aristocratic elements in the British constitution—not from power being in the hands of a few, but from almost all who do not possess land being excluded from it.

If we suppose the supreme power to reside in a senate sitting only for life, but itself, as was the case with most of the ancient senates, filling up its vacancies—such an institution would be aristocratic; but, as it would not be necessarily exclusive, it would not necessarily be governed by interests distinct from those of the community at large. Nor would "the education of the rulers be such as peculiarly to unfit them for worthily exercising the high functions of their station." This was not true of the Roman senate. It is not true of any aristocracy which is not hereditary. Nor would the tendency of such an aristocracy necessarily be to promote general dissoluteness of manners, self-indulgence, and extravagance; or,

on the other hand, rapacity. Indeed, the opposed, but not inconsistent, vices of prodigality and rapacity, seem to belong more to democratic governments, in which wealth is the great source of distinction. No community is so stained by them as Anglo-America. And lastly, as it appears that "insolence, selfishness, and luxurious indulgence" do not necessarily belong to an aristocracy, it is not necessarily subject to the odium which, according to Lord Brougham, (p. 56,) these vices inflict on it.

In fact, nearly all these censures affect not aristocracy but a privileged order—an institution which may exist under any form of government except a pure democracy, and need not possess power legislative or even executive. The noblesse of France, while her monarchs were absolute, had all the qualities which Lord Brougham has described as patrician. It was ill-educated, selfish, and luxurious, born to preëminence, insolent to its inferiors and submissive to its master, and became to its fellow-countrymen an object of admiration and of imitation; but at the same time, of hatred so intense, that the main purpose of French legislation for the last fifty years has been to prevent its reëstablishment. But though such an order could not have existed unless it had once possessed political power, yet at the time of which we are speaking that power was gone. All that remained were some traditionary rights, which as soon as they were attempted to be employed melted away. Its immunity from taxation, its social distinctions, its monopoly of the higher military, diplomatic, and household offices, its pensions and its ribands, it owed merely to custom, and to the will of an absolute master that the custom should continue. It was not an aristocracy, or even an aristocratic institution. On the other hand, the French Chamber of Peers is an aristocratic institution. It is a small body of persons possessing a portion of the supreme legislative power. But of the six aristocratic defects enumerated by Lord Brougham, only the first, the absence of individual responsibility, belongs to it.

Lord Brougham now proceeds to inquire whether the aristocratic institution possesses any virtues to be set in opposition to so many imperfections.

"There cannot," he says, "be any doubt that the quality of firmness and steadiness of purpose belongs peculiarly to an aristocracy. The very vices which we have been considering lead naturally to this virtue, and it is a very great merit in any system of government. A system of administration, a plan of finance, a measure of commercial or agricultural legislation, a project of criminal or other judicial administration, may seem to have failed, yet the patrician body will give it a further trial. They adopted it on mature deliberation, and not on the spur of a passing occasion; they will not be hastily driven from it. Akin to this merit is the slowness with which such a government is induced to adopt any great change. Indeed, resistance to change is peculiarly the characteristic of an aristocracy; and the members of the ruling body and their adherents obtain at all periods, in a greater or less degree, the power of stemming the revolutionary tide. This makes them equally resist improvements; but it tends to steady and poise the political machine. The history of our own House of Lords abounds in examples of these truths. But for their determination to resist measures which they deemed detrimental to the state, or to which they had objec-

tions from a regard for the interests of their own order, many measures of crude and hasty legislation would have passed in almost every parliament."—(Vol. ii., pp. 57, 58.)

To these merits of aristocracy he adds that it is pacific, partly from dislike of change, partly from military unfitness, partly from jealousy of military eminence, and partly from the want of individual ambition; that it encourages genius in arts and in letters; that it excites and preserves the spirit of personal honor; and that it is favorable to order and subordination.

To a certain degree it appears to us that Lord Brougham again attributes to aristocracy, as a form of government, effects—such as a high sense of honor and refined taste—which are the results of the existence of a privileged order; an institution which, as we have already remarked, is as consistent with an absolute monarchy or a mixed government as with an aristocracy. An aristocratic government without a privileged order would not contain persons sufficient in number to affect materially the general tone of society. If its members sat only for life, they would carry into it the feelings of the classes from which they were taken. Nor do we agree with him as to the beneficial influences of aristocracy on the fine arts or on letters. The greatest works of the arts which address the eye belong to absolute monarchies, the next greatest to democracies. The Pharaohs built Thebes and the Pyramids, the Moguls Agra and Delhi, a Roman emperor the Coliseum, a Democracy the Pantheon. Of the Italian works of the fifteenth and sixteenth centuries, referred to by Lord Brougham, the greatest belong to the absolute monarchy of the Popes. The poorest period in English history, that which produced the fewest men eminent in arts or in letters, was the period during which the aristocratic element was predominant—the reigns of the first three Georges.

That an aristocratic government is pacific is true; it is pacific, not only from the reasons mentioned in the text, but also from its prudence and its want of passion. It is equally true that it is eminently firm, steady of purpose, and averse from change. These are the qualities which render the aristocratic element a necessary part of a well-framed government. It gives bone to the constitution. But in politics as in physiology, there is no disease more certainly fatal than ossification. Lord Brougham uses our house of lords as an example of the utility of a body in perpetual resistance to change. Admitting, as he fairly does, that it has frequently stood in the way of improvements, constitutional, economical, and administrative, he seems to think that great advantage has arisen from "its having had, during the last ten years, a preponderating share in the government of the country."—(Vol. ii., p. 59.)

That the house of lords has prevented much evil there is no doubt. But how much good has it prevented? How much evil has it prolonged? How much has it created? Without referring to the long period in which, under the domination of Lord Eldon, it steadily defeated almost every legal and administrative improvement, it is to the house of lords that we owe the present state of Ireland. Had it allowed the house of commons in 1825 to grant Catholic emancipation, and a provision for the Catholic clergy, the British islands would now have been morally as well as legally an united kingdom. One of the worst

effects of this hostility to change, is its tendency to produce the most complete of all changes—a revolution. With one remarkable exception, that of Venice, pure aristocracies have been the most short-lived of governments. They are barriers behind which abuses accumulate until the whole structure suddenly gives way.

It is remarkable that, in his statement of the virtues of aristocracy, Lord Brougham includes only its moral virtues. He gives it no credit for peculiar talent, knowledge, or skill. This may arise in part from his generally assuming it to be hereditary. But the members of even an hereditary aristocracy are likely to possess far more than average political knowledge. Politics constitute their profession; and we agree with Lord Brougham, that they are the only class among whom it is to be wished that the political profession should exist. The selected members of an aristocratic body—and there are many such bodies in which all, and very few in which none, are selected—are generally men of eminent talent. The most distinguished body in the United States is the Senate, in France the House of Peers, and, according to Lord Brougham, the British House of Lords possesses a general superiority “in capacity, in learning, in calmness, and in statesmanlike views of both foreign and domestic policy.”—(Vol. iii., p. 65.)

To this must be added experience; not merely the personal experience of its members, most of whom have passed a political life, but the experience which belongs to the body itself. A legislative body which never dies, which is recruited by insensible additions and substitutions, acquires a traditional wisdom exceeding that of the individuals who compose it. The correct appreciation, too, which those individuals obtain of one another, gives the lead to those who are best fitted for it. A newly constituted assembly is likely to exhibit less, an ancient one to exhibit more, than the average intelligence and knowledge of its members.

We now proceed to the third of Lord Brougham's great divisions—democracy. He defines democracy to be, “the constitution which allows the superior power to reside in the whole number of citizens, having never parted with it to a prince, or vested it in the hands of a select body of the community, from which the rest are excluded.”—(Vol. iii., p. 2.) Inattention to the cross division of exclusive and non-exclusive, which, as we have remarked, runs through all forms of government, as it rendered Lord Brougham's definition of aristocracy too wide, renders this too narrow. It comprehends no exclusive form. Lord Brougham endeavors to meet this difficulty by considering democracies as less or more pure as they are more or less exclusive. But, for scientific purposes, though there may be degrees of impurity, there cannot be degrees of purity. Whatever is not perfectly pure is impure. If a definition of pure democracy be necessary, we think that the most convenient one would be—the government in which supreme legislative power is vested in a large number of persons, without any participation or any control on the part of any other body, or of any individual. But, as we have already said, such governments, if they have ever existed, are so rare, that we prefer considering, not democracies, but the democratic principle; which we have already defined to be the possession of legislative power, directly or indirectly, by a large

number of persons. Lord Brougham reaffirms that the constitution is not the less democratic, because the people legislate only through representatives. We must repeat our dissent. The delegation of legislative power is, *pro tanto*, a suspension of it. It substitutes, *pro tanto*, the will of a few for that of many. In proportion to the period of delegation, the opinions and wishes of the delegates, however complete may have been their coincidence, at the time of delegation, with those of their then constituents, are likely to deviate from those of their constituents for the time being. The first reformed house of commons represented the feelings and wishes of its existing constituents more completely, probably, than any previous, or indeed any subsequent, house. But, if it had been entitled to sit for fourteen years, would it now represent them? Delegation certainly does not destroy, but it weakens the democratic principle; and we consider all governments in which it prevails, as aristocratic or mixed. Aristocratic, if the delegating body be a small one, as was the case in Venice; mixed, if the delegating body, though perhaps itself a minority, be large, as is the case in France and in the American slave-states. Consistently with his own nomenclature, Lord Brougham has considered the subject of representation under the head of democracy. In pursuance of ours, we reserve it until we come to mixed governments.

Lord Brougham sums up the virtues of the purely democratic system under nine heads. Of these, five—namely, its tendency to render administration pure, to promote political discussion, to diminish civil expenditure, to render the resources of the state available for its defence, and to force individuals to respect public opinion—must be at once admitted. The remaining four we will briefly consider, using Lord Brougham's words, but somewhat changing his arrangement.

“1. The fundamental peculiarity,” says Lord Brougham, “by which this is distinguished from other forms of government is, that the people having the administration of their own concerns in their own hands, the great cause of misgovernment, the selfish interest of rulers, is wanting; and if the good of the community is sacrificed, it must be owing to incapacity, passion, or ignorance, and not to deliberate evil design. The sovereign in a monarchy pursues his own interest; the privileged body in an aristocracy that of their order, or of its individual members. No such detriment can arise in a purely popular government. At least the chances are exceedingly small, and the mischief can only arise from some party, or some individuals, obtaining so much favor with the people at large as to mislead them for their own ends; a thing of necessarily rare occurrence, because there will always be a conflict of parties, and the people are prone to suspicion of all powerful men.

“2. No risk is run of incapable or wicked men holding the supreme direction of affairs, either in the legislature or in an executive department. No infant in the cradle, no driveling idiot, no furious maniac, no corrupt or vicious profligate, can ever govern the state, and bring all authority into hatred or contempt.

“3. The course of legislation must always keep pace with the improvement of the age. The people always communicate to the laws the impression of their own opinions. No sinister interests can interfere to check the progress of improve-

ment. No prejudices of one class, no selfish views, have any weight.

"4. The personal ambition of an individual, his feelings of slighted dignity, his sense of personal honor, as well as his desire of aggrandizement, have no place under this scheme of polity. Had the virtuous Washington himself become enamored of military glory, and desired to extend the dominion of republican institutions over Canada or New Spain, the people would have speedily taught him that war is a game the people are too wise to let their rulers play."—(Vol. iii., p. 109—111—110.)

We have already stated our reasons for believing the democratic element to be far more favorable to war than either of the others. The reference made by Lord Brougham to the United States is unfortunate. They have already extended the dominion of republican institutions over a portion of New Spain; and if the popular will had been omnipotent, would have seized Canada. Nor can we agree with him in ascribing to democracy a peculiar exemption from legislation unjust or unenlightened; or from the domination of persons morally or intellectually unfit for power. Where the democratic element prevails in an exclusive constitution, laws are often made for the express purpose of oppressing the excluded classes. And when there is no legal exclusion, a democratic majority is often a grievous tyrant to the minority. In the southern states of the American Union, the slaves are oppressed; in the northern states, the rich; in all, the people of color. In the Swiss cantons, consisting partly of a town and partly of a rural district, the popular assembly, if the town interest prevail, tries to oppress the country; if the country interest, to oppress the town; and as the oppression of one portion of the community is always injurious to all, the good of the community is in fact "sacrificed to deliberate evil design." That Lord Brougham, with history open to him, and in fact having studied her pages diligently—with Athens and Rome representing the past, and Ireland and Canada the present—should gravely say that the chances are exceedingly small that some party or some individuals will be able for their own ends to mislead the people at large, is incomprehensible.

We admit that the people will always communicate to their legislators the impression of their own opinions; but for that very reason we do not believe that, where the democratic element is the strongest, and still less where it is the only one—and Lord Brougham is now speaking of pure democracies—the course of legislation will keep pace with the improvement of the age. In every country, there are a few individuals whose political wisdom far exceeds that of the mass of their fellow-countrymen. In a monarchy, or in an aristocracy, it is possible that they may guide or even constitute the government. In a democracy, it is not. The majority of every nation consists of rude, uneducated masses;—ignorant, intolerant, suspicious, unjust, and uncandid; without the sagacity which discovers what is right, or the intelligence which comprehends it when pointed out, or the morality which requires it to be done. Does any one believe that the public conduct of America, her ambition, her quarrelsomeness, or her dishonesty, reflect the intellectual and moral advance of the country? That advance is as great in America as in Europe. Their best men are equal to ours. The mass of the people is

superior to any European population. But the democratic element has become triumphant; and its influence has been shown by popular violence, by international litigiousness, by anti-commercial Tariffs, and by Repudiation. So far from there being, in a democracy, no risk of wicked men holding the supreme direction of affairs, we believe that it is a danger to which even absolute monarchy is hardly more exposed. How else has demagogue been a byword of reproach, from the times of Cleon to those of Marat?

Lord Brougham's enumeration of the vices of democracy is executed with great spirit; but as we generally agree with it, and as the substance had often been said before, though seldom so well, we will dwell on only one of its points. "There is one establishment," says Lord Brougham, "which appears incompatible with democracy, and that is a system of religious instruction endowed and patronized by law, with a preference given to it by the state over all other systems, and a preference given to its teachers over the teachers of all other forms of belief—in other words, a religious establishment."—(Vol. iii., p. 126.) He assigns as the grounds of this incompatibility, first, the reluctance of the dissenting portion of the community to contribute to the diffusion of what they believe to be religious error. And, secondly, that an establishment supposes a clerical order possessing great personal weight, endowed by the state, but unconnected with the government; and that the existence of such an order is wholly repugnant to democracy. To ascertain whether this be a virtue or a vice of democracy, he inquires into "the virtues and vices of religious establishments;" or rather compares their vices with those of the voluntary system.

He states the objections to an establishment to be three. First, that to be compelled to support a religion which a man conscientiously disapproves, is a serious grievance; secondly, that an establishment always gives to the government secular support, and becomes itself, therefore, subject to secular influences; and thirdly, that it tends to the restraint of freedom of speech and thought, to intolerant practices, and to the destruction of general improvement.

He then enumerates five objections to the voluntary system. First, that if the people were left to supply themselves with religious knowledge, many of them, and among these the classes which most require it, would often remain without it; secondly, that "if the people are to provide for the support of their own pastors, so must they select them also;" thirdly, that it promotes among the people the most dangerous of all excitements, religious excitement; fourthly, among the clergy religious fanaticism; and fifthly, political agitation. He then decides that the disadvantages of the voluntary system preponderate; and consequently that the absence of a religious establishment is among the defects of democracy.

It is obviously impossible that, within our limits, we should discuss the many questions thus raised; but we cannot refrain from considering a few of them. In the first place, the word "establishment" is ambiguous. It may bear the meaning which Lord Brougham has given to it, of a religious system patronized by law, with a preference given to it by the state over all other systems; and a preference given to its teachers over the teachers of all other forms of belief. That is to say, a *privileged church*. Or it may mean

merely an *endowed* church—a church whose ministers are either salaried by the state, or allowed by the state to possess property in their corporate, not in their individual character, but which receives from the state no other patronage or preference. Such is the Presbyterian church in Ireland; such are the various churches of Canada. If the bishops should be removed from the house of lords, diocesan courts and church-rates abolished, and the universities and the few offices from which they are now excluded opened to dissenters—events some of them certain, and all probable—the Church of England will cease to be a privileged church, but will continue an endowed one. Now, we see no reason for thinking that a church endowed, but not privileged, is inconsistent with democracy; and we are inclined to think that such a church may possess nearly all the advantages which belong to an establishment in Lord Brougham's sense, and be free from almost all its disadvantages.

Secondly, we do not perceive the incompatibility of even a privileged church with democracy. Some of the most democratic portions of Europe, Belgium, Norway, and parts of Switzerland, possess such churches. They are inconsistent, not with democracy generally, but with a democracy in which there is no one preponderant sect.

And lastly, Lord Brougham appears to us to take too English, and too Protestant a view of the voluntary system. The two countries in which that system prevails most extensively, are the United States and Ireland. In neither of them is there any want of religious teachers. The instruction may not be good, but it certainly is abundant. Again, throughout the Roman Catholic world, though the people may pay the priest, they neither elect, nor can they remove him. He is dependent on their favor for only a portion of his income. This dependence, indeed, has been sufficient, under peculiar circumstances, to render the Irish priest a most mischievous agitator; but such is not its necessary effect. In the United States, there is no clerical agitation. Everybody there is a politician, except the religious instructor.

On the whole, although we agree in Lord Brougham's preference of even a privileged church to the voluntary system, we do not think that the latter is open to all the objections which he has made; or that the former is necessarily incompatible with democracy.

We have now arrived at the fourth and last class of governments, those in which two or more of the three elements, the monarchical, the aristocratic, and the democratic—or, in other words, of the legislative powers of one, of a few, or of many—are combined.

It is obvious that such governments are divisible, according to the elements which they admit, into four. A mixed government may combine only the monarchical and democratic elements, or only the monarchical and aristocratic, or only the aristocratic and democratic, or may unite all three. The first of these is almost peculiar to small uncivilized tribes. As soon as such a tribe has swelled into a nation, the direct and constant exercise of power by the mass of the people becomes so difficult, that the chief makes himself absolute, and the government ceases to be mixed; or some smaller body is either substituted for the people, or appointed to share its power, and the constitution assumes one of the three other forms of mixed government. Nor is the mixture of monarchy and aristocracy common. A small select

body, neither restrained nor supported by the democratic element, either deposes the monarch and reigns, as in Venice, a pure aristocracy; or, as is more frequently the case, is itself deposed by him, and the result is a pure monarchy; or is forced to share its power with the monarch and the people, or with the people alone, and the government falls into one of the two remaining mixed forms. The mixture of the aristocratic and democratic forms is not uncommon. With the exception of Neuchâtel, which is purely monarchical, this is the constitution of all the Swiss cantons. It is the form into which the constitution of every country which rejects the monarchical principle seems naturally to fall. The most common, however, of mixed governments is the fourth, that in which the three elements are combined: and, what is more important, it is the form of government to which all nations seem to tend as they advance in greatness and in political knowledge.

But we now come to a set of cross divisions. Governments must be considered not merely according to the elements which they admit, but according to the mode and degree in which each element is admitted. The individual in whom the monarchical principle resides, may be hereditary or elected. If elected, he may be appointed for life, or for a term of years, or annually. The constituency that elects him may be aristocratic or democratic. If elected for a period, he may, or he may not, be reëligible. Some portion of the legislative power he must have; but he may have the initiative of all measures, or of some, or of none. He must have a veto; but it may be absolute or suspensive. He must be irresponsible while his power continues; but after it has ceased he may or may not be legally accountable for his conduct while in office. He may be authorized to exercise his powers personally, or only through his ministers. His ministers may or may not be responsible for his acts. Their offices may admit them to the legislative assemblies, or exclude them, or have nothing to do with their presence there.

So the body in which the democratic principle resides, may reserve some portion of direct legislative power, as in the case in the United States, where the constitution cannot be altered except by a convention, in which the electoral body becomes legislative; or it may part with the whole, as is the case in the British constitution. It may appoint its deputies for life, or for any shorter period. It may appoint them directly, or be authorized only to appoint electors. It may or may not be restricted in the selection of either the one or the other. It may or may not be empowered to bind its deputies by instructions.

These remarks are applicable, with little variation, to the body constituting the aristocratic element. There might be some pedantry, but there would be no impropriety, if we were to subject aristocratic bodies to the same division to which we have subjected governments; and to term a select legislative body appointed by the sovereign monarchical, an hereditary or self-perpetuated one aristocratic, one created directly or indirectly by the people democratic, and one in which two or more of these modes of creation or succession should concur, mixed.

Again, there is almost an equal variety in the modes in which the executive power may be distributed or collected. The monarch may have the whole, or some part of it, or none. In England, the aristocratic legislative body is also the highest

legal court of appeal. The initiative, and the details of arbitrary executive acts, belong principally to the democratic body, and occupy, under the name of private business, a very large portion of its time and attention. In the United States, the aristocratic legislative body shares with the monarch the power of making treaties, and of appointing some of the highest officers; and there are few modern constitutions in which the principal executive powers are not divided between the different legislative authorities.

The judicial power may be exercised by judges—hereditary, or appointed for life, or for a given period, or at the will of the appointer, or for one particular case. They may be appointed by the sovereign, or by a select body, or by the people, or by lot. Every one of these varieties may be found in one country. In fact, they all coëxist in England.

Again, every mixed government is more or less exclusive, from that of France, where only about three persons out of a thousand have legislative power, direct or indirect, to those in Switzerland, in which every male above the age of sixteen is an elector, and for some purposes a legislator.

When the number of combinations is so vast, it appears to us to be dangerous to ascribe to the mixed form of government any qualities as universal, or even as general. A distinction, apparently trifling, of law, or of mere administration, may affect the whole working of a constitution. England is, we believe, the only country in the world in which the sovereign is not present at the meetings of his own cabinet. There is, perhaps, no other single cause which has tended so much to weaken the monarchical element in the English constitution. But it is no part of that constitution; it is a mere usage, which sprang up accidentally, in consequence of George the First's ignorance of English. Important as it is, and now we trust unalterable, the fact of its existence is little known out of the British islands, and perhaps is not notorious even there.

Again, in France, no proceedings can be taken against any officer of the government for any official act, unless by the permission of the government;—a permission which the government can refuse at its discretion, and in a large proportion of cases does refuse. This law can scarcely be said to affect the French constitution as a form of government. It does not render it more monarchical, aristocratic, or democratic; but its first effect is to deprive all the inhabitants of France of any legal security against the oppression of their government. Its second effect is to drive them to supply, by illegal resistance, the want of a legal remedy. In England, if a tax-collector should endeavor to enter a house in order to count the windows, the owner, after warning him of the consequence, would quietly submit, then bring his action, and be amply recompensed by damages. The collector knows this, and nothing of the kind takes place. In France, such an occurrence occasioned, a year or two ago, deplorable scenes of violence and bloodshed. The collectors and the inhabitants both believed that the government would protect its officers. The collectors tried to force their way into the houses, the inhabitants to repel them, and the consequence was a petty civil war.

Again, the American president is elected for only four years, but is then reëligible. Washington allowed himself to be reëlected once, but not

oftener. This example has been generally followed. No president has served more than eight years; but every one has been a candidate for reëlection at the end of his first term of four years, and many of them have succeeded. The consequence is, that the first business of every president is to secure his reëlection. To raise his own party and to depress his opponents—to dismiss the whole body of executive officers, and supply their places with his own partisans—to support slavery if he be strong in the south, or abolition if his strength lie in the north; to be a free-trader in the one case, and a protector of domestic industry in the other; to favor the great monied institutions if they support him; to destroy them, at the risk of paralyzing the whole commerce and industry of the country, if they oppose him; to be litigious, insolent, and warlike in his diplomacy, if his friends lie among the dealers in arms or in privateers, or among manufacturers anxious to engross the home market; to be pacific if he rely on the importers of plantation supplies, and the exporters of cotton or tobacco; but under all circumstances, to adopt the language, stiffen the prejudices, inflame the passions, and obey the orders of the mass of the people.—Such are the occupations in which every president spends the first four years of his reign, and, if he be not reëlected, the whole. To the influences which thus corrupt and degrade* the person who is both her chief magistrate and her prime minister, we attribute much of the deterioration of the public, and, we fear we must add, the private character of America—the bluster, the vanity, the rapacity, the violence, and the fraud, which render her a disgrace to democratic institutions, and a disgrace to the Anglo-Saxon race.

But if Washington had refused to be reëlected, it is probable that this frightful source of misgovernment and demoralization would never have broken out. The interests, and, what is more important, the passions of all parties, the jealousy of competitors, the inconstancy of the people, and the unpopularity which is unavoidably acquired in four years of supreme administration, would have effectually prevented any of his successors for asking for an honor and a power of which even Washington had not thought himself worthy. And though the constitution of America would have remained the same, its practical working would have been essentially altered.

Although, therefore, we have ventured to ascribe certain qualities to the three pure constitutions, or rather to the influence of the monarchical, aristocratic, and democratic elements respectively, we are afraid to give any general character to the indefinitely various forms in which those elements may be combined. All that we can affirm is, that it appears to be probable, first, That by combining the three elements, or at least two of them, a form of government may be obtained which, in ordinary circumstances, will be more favorable to the welfare of the people than any one of the simple forms. Secondly, That the forms under which there has been the greatest moral and intellectual progress, and, we are inclined to think, the greatest happiness, have been mixed. And Thirdly, That the very worst forms of government, forms which, like that of Poland, after having rendered nations for centuries misera-

[* See a proposition, at the end of this article, for a conservative change of the constitution.—L. A.]

ble in themselves, and a source of misery to their neighbors, have utterly destroyed them, or been destroyed themselves, have also been mixed.

Lord Brougham is bolder. He states, that a mixed government possesses over all others, three great advantages, namely, first, "That it protects the public interest from rash, ill-concerted counsels; secondly, That it secures the freedom and the rights of all classes in the community; and lastly, That it maintains the stability of the political system."*

Now it is certain that the introduction of the aristocratic element has a tendency to diminish the rashness, passion, and short-sightedness which belong sometimes to a pure monarchy, and always to a pure democracy; but it is by no means certain that the introduction of the democratic element would produce the same effect in a pure monarchy, or even in a pure aristocracy. The Venetian government, the most prudent that has ever existed, was a pure aristocracy. That of Prussia, also eminently prudent, is a pure monarchy. The conduct of France was far more prudent, her councils far less ill-concerted, before the revolution of 1789, than they have been since she substituted a mixed government for an absolute monarchy.

Again, the protection of the rights of all classes of the community, depends not so much on the government being mixed or pure, as on the degree in which it is exclusive. The excluded classes are always in danger of oppression, and many mixed governments have been eminently exclusive. It was the mixed exclusive government of England that enacted the penal laws against Roman Catholics. It was from the mixed exclusive government of Denmark that the people fled for refuge to an absolute king. The Austrian monarchy is pure in Lombardy and mixed in Hungary. But in Lombardy it is non-exclusive: no class has any privileges or immunities at the expense of the community. In Hungary, four fifths of the inhabitants are excluded from all political and from most social rights. Mixed government has not saved them; as it did not save the Roman Catholics of Ireland, from a degree of oppression to which no class is subject in any of the absolute European monarchies, except Russia and Turkey, if these monarchies are to be called European.

Lastly, There are reasons for doubting the superior stability of mixed governments. Pure democracies, indeed, are necessarily unstable. They must be destroyed by the mere increase of territory or of population; but many pure monarchies have endured for centuries undisturbed by any serious internal commotion. So have some pure aristocracies. Perhaps, when we consider the rarity of that form of government, and the frequency of the mixed form, the former has exhibited as much stability as the latter. On the whole, we are inclined so far to disagree from Lord Brougham as to think, that a pure monarchy, or a pure aristocracy, is more stable than any mixed form admitting only two elements; but so far to agree with him as to believe, that the greatest amount of stability is to be obtained by the union of all three.

Throughout this discussion we have adhered to our own nomenclature, and have included among mixed governments those in which the body of the people act through their representatives.

If we had adopted the nomenclature of Lord Brougham, and had included among pure democracies all governments in which the legislative authorities are elected directly or even indirectly by the people, we should scarcely have ventured to attribute to mixed government even the qualified superiority which we have assigned to it. If the president and the senate of the United States were elected for life; if the president could act only by the advice of his ministers, and those ministers were responsible, and instead of being excluded from Congress, were *ex-officio* members—the constitution would still, according to Lord Brougham's nomenclature, be not a mixed government but a pure democracy, since all legislative, and indeed all executive authority would flow, directly or indirectly, from the people. But we are inclined to think that such a constitution would work well;—quite as well as if the president, or the senate, or both of them, were rendered hereditary, and the constitution thus changed from pure to mixed. In the very striking chapter in which Lord Brougham anticipates the consequences of the further moral and intellectual improvement of mankind,* he states that a progress is making by the people which will in time enable old countries to be governed democratically; and that the tendency of human affairs is, that the people should select their chief magistrate. And if they elect their king and their house of commons, it is nearly certain that they will also think fit to elect their house of lords. We are not sure that for a well-educated people this would not be the best constitution; and if it is to be called a pure democracy, we can no longer affirm, as a universal proposition, that a mixed constitution always offers better chances for public welfare than a pure one.

We have now to consider an institution which is treated by Lord Brougham as compatible with every form except pure monarchy and aristocracy, and by us as confined to mixed government—representation.

Representation, however, is not a subject to be discussed in a couple of pages. We shall shortly sum up the most important of Lord Brougham's conclusions, without expressing dissent or concurrence. Where we agree with him, the mere expression of our assent could add nothing to his authority; and where we disagree, the mere expression of our dissent, unsupported by argument, would be dogmatical, and, indeed, presumptuous.

The substance of Lord Brougham's canons of representative government is this:—

The power of the people is to be transferred for a period exceeding one year, but not exceeding three years, to their representative. They are not to attempt to resume it during that time, or to fetter him by instructions. There should be no qualification of eligibility; and all persons of full age, unconvicted of infamous offences, who have received a good plain education, should be electors. The election should be direct, and by open voting, but in such a manner (*how* is not specified) as to protect the voters' independence. The constituencies should consist, not of mere towns or counties, but of electoral districts so large as to prevent corruption—from five thousand to six thousand electors being the *minimum*—and so arranged as to secure representatives of all the great

* Vol. iii., p. 153.

* Vol. iii., chap. xx.

classes in the community, but not giving to any one large town a proportionate and therefore a very numerous representation.

To these canons Lord Brougham allows no exception. He does not propose them merely as the theoretic principles of the best form of representative government, but as the principles to which every such government ought to be made to conform. Many years ago, in his Letter to Lord John Russell, he recommended their adoption, so far as they have not been already so adopted, into the British constitution. It is therefore Lord Brougham's deliberate advice that the British house of commons should be triennial; and should be chosen in large electoral districts by the suffrage of all persons who have received a good plain education; which in a short time must practically be universal suffrage. Now, without infringing our rule of expressing on the subject of representation neither assent nor dissent, we may remark that such a change would be a revolution—using that word to signify not a violent anarchical movement, but a change in the depositaries of power. It would greatly increase the democratic power, and it would place that power in the hands of those who have now no share in it, or a share so small as to leave them almost without influence. It would exceed in magnitude the changes effected by the Reform act—at least as much as those changes exceeded all that was proposed by Mr. Pitt or by Mr. Brougham.

We have now reached the last of the portions of Lord Brougham's work which we have selected for criticism—his view of the existing British constitution. It is to be observed that his exposition is not merely legal, but also practical; that he states not merely the theory of the constitution, but its actual working.

"The great virtue," he says, of the constitution of England, is the purity in which it recognizes and establishes the fundamental principle of all mixed governments; that the supreme power of the state being vested in several bodies, the consent of each is required to the performance of any legislative act; and that no change can be made in the laws, nor any addition to them, nor any act done affecting the lives, liberties, or property of the people, without the full and deliberate assent of each of the ruling powers.*

Consistently with this view, he holds that the constitution wills that the opinions of the monarch "should have a sensible weight, even against the most conflicting sentiments of the people and of the peers,"† and should operate as a check on the other branches of the system. And he further maintains, that the government cannot be carried on for any length of time, unless the ministers of the day have the decided support of both houses of parliament.‡

We venture to question this view both in theory and in practice. It appears to us that important legislation has taken place in past times, and is likely to occur in future times, against the deliberate will of one, and sometimes of two, of the ruling bodies; and, further, that the government can be carried on for an indefinite period with a decided majority in only one house of parliament; and, lastly, we believe that those who gradually introduced the usages, the aggregate of which forms the British constitution, intended that this should be the case. For the facts, we need refer

only to the most recent history—to the Emancipation act, carried against the deliberate will of George the Fourth; to the Reform act, carried against the deliberate will of the house of lords; to much subsequent legislation, disapproved of by both the crown and the peers; and to Lord Grey's ministry—the most powerful at home and abroad, the strongest in every way that modern times have seen—ruling not merely without the support of both houses, but opposed in one of them by a decided and constantly-increasing majority. If it be said that in these cases the consent of the sovereign and of the peers, however reluctant, was in fact given, the answer is, that it was given because the constitution itself prevented its refusal. The sovereign acts only through his ministers, and no minister would have dared to advise George the Fourth to veto the emancipation bill. The majority of the house of lords knew that a few pieces of parchment could convert it into a minority. They believed that the expedient would be used; and though they refused their consent to the Reform bill, they neglected to record their dissent. If the constitution had willed, "that the individual monarch should be a substantive part of the political system as a check on the other branches,"* it would have allowed him liberty of action. It would not have required that to give validity to his acts other persons should adopt them, and assume their responsibility. The fact is, that the influence really exercised by the sovereign is unconstitutionally exercised. The constitution supposes the crown to take no part in legislation, until the proposed law has passed through both houses. In the rare cases in which the sovereign has interfered in legislation, he has done so by preventing the introduction into parliament of the measures to which he was opposed, and we doubt whether such a case will ever occur again. "If he can find any eight or ten men," says Lord Brougham, "in whom he has confidence, who are willing to serve him, and whom the houses will not reject, he has the choice of those to whom the administration of affairs shall be confided."† Certainly; but in general it is found that there are only eight or ten men in the kingdom who are willing to serve him, and whom the houses will not reject. It has frequently happened that these were not the eight or ten men in whom the sovereign had confidence; but he has been obliged to continue, or even to appoint them ministers. His right of choice is that given by a *congé d'élire*.

Again; if the framers of the constitution had intended "the separation and entire independence of its component parts;"‡ if they had intended that the house of lords should possess a real "veto upon all the measures that pass the commons,"§ it seems inconceivable that they should have subjected that house to absolute dependence on the crown—that they should have allowed the sovereign to pack it at his pleasure:—to give it a tory, a whig, or a radical majority, as often as he may think fit. Nor can it be said that this power is obsolete, or even dormant. It was used by Lord Oxford—it was used by Lord Brougham—it was abused by Mr. Pitt. He packed the Irish house of lords, by adding to it more than one hundred and fifty peers—forty-six of them in one year; and then to make this gross injustice irre-

* Vol. iii., p. 295. † *Ibid.*, p. 302. ‡ *Ibid.*, p. 315.

* Vol. iii., p. 302.
‡ *Ibid.*, p. 301.

† *Ibid.*
§ *Ibid.*, p. 305.

parable, prohibited by the act of union its further increase. He found the British house consisting of only two hundred and ten temporal peers; in thirteen years he added to it eighty-five. When the tory reign ended with Lord Liverpool, one hundred and seventy-eight British peers, and twenty-eight Irish, all belonging to one party, had been added to it. If it be true that no government can be carried on unless the minister have a decided majority in the house of lords, either the government of the party now in power is immortal, or the accession of a liberal minister must be accompanied by the creation of two hundred peers.

If we reason with respect to the British constitution as we do with respect to every other elaborate contrivance;—if we infer the intentions of its framers from the results which they have effected—it appears clear that differences of opinion between the three legislative bodies were foreseen, and means taken to give a decided preponderance to that which should have the support of the people. We say, which should have the support of the people; because the house of commons, unless decidedly supported by the people—that is to say, by the constituencies—is not merely the weakest of the three estates, but is absolutely powerless; but supported by the people, it rules easily if one of the other two estates assist it; and rules, though not without difficulty, even if the other two oppose it. Thus the commons and the crown united, can at once trample under foot the opposition of the lords; the commons and the lords united are practically in no danger of opposition from the crown, and if opposition were to take place, could terminate it by depriving the sovereign of his ministers. But the crown and the lords united, are impotent against a house of commons backed by its constituencies. All that they can do is to dissolve; and a reëlection sends them back only a more numerous and a more determined opposition. It must have been for the purpose of producing this result, that the power of creating new boroughs was gradually withdrawn from the crown. While that power existed, the commons were as much at the mercy of the crown as the lords are now. As soon as it ceased, they became as independent as the lords would have become, if the bill which restricted the power of creating peers had passed. Those who deprived the crown of the power of increasing or packing the house of commons, and those who continued to the crown the power of increasing and packing the house of lords, must have intended, that in the British constitution the democratic element should be supreme.

There is no proposal for constitutional change that Lord Brougham dismisses so contemptuously, as an alteration in the constitution of the house of lords. "It deserves," he says, "to be noted, that all these senseless projects have long since been abandoned by their thoughtless authors, who, a few years ago, considered the safety of the empire to depend upon what they termed Peerage Reform."* He believes that the consequences of a large creation in 1832 would have been dreadful; that it would inevitably have ruined the constitution.† Now, we dread all great changes simply because they are great changes—because we know that their whole results never can be anticipated—and that even if they effect their

intended purposes, they may effect them at a sacrifice which would not have been submitted to, if it had been foreseen. We do not believe, indeed, that peerage reform would produce so great a change as is expected by its enemies, or by its friends; but the change would be great, and that is a sufficient reason for avoiding, or, at all events, for deferring it, as long as it can be deferred. But we cannot think that it is a senseless project. We cannot but feel that a state of circumstances is possible, we trust not probable, in which it may be beneficial and even necessary. While the house of lords plays no part in the great game of political power—while it contents itself with performing the important but subordinate duties of a court of revision, in which the legislation of the commons is reconsidered, improved, suspended—and, when the popular will is not decidedly expressed, even rejected, it will continue unaltered in form, and, unless some profligate administration should repeat Mr. Pitt's profuse creations, unaltered in substance; but, if in an evil hour it should assume equality with the commons—if it should attempt to share the sovereignty which that house now exclusively exercises—if it should try to dictate what party and what persons shall be our governors, the days of its apparent independence are numbered.

We will explain our views by supposing a possible, though certainly not a probable, state of circumstances: Suppose that, in the last session, the public opinion of the constituent bodies had been decidedly in favor of a ten hours' bill—that Sir Robert Peel had resisted, had dissolved, and had been met by a house of commons with a hostile majority of 300, and had endeavored to govern with only 150 supporters—had endeavored, in short, to treat the house of commons as more than one minister has treated the house of lords—the commons would have passed a vote of want of confidence. If that produced no effect, they would have addressed the crown to remove its ministers—if that failed, they would have stopped the supplies. As the hostile majority would have been unassailable, as a fresh dissolution would only have increased its numbers and its determination, the crown must have complied, and appointed a new administration. If now the house of lords had followed the precedent set by the commons—if it had resolved that the new cabinet had not its confidence—had requested its removal—and had enforced that request by rejecting the money bills and the mutiny bill, the necessary consequence would have been, not that the commons or the crown would have yielded, but that the hostile majority of the peers would have been neutralized by a large creation; and the result of one or two such occurrences must be peerage reform. The house of lords would soon become too large to act as a deliberating body; and the course which has been twice taken to meet that difficulty would be repeated. At the time of the Union with Scotland, it was supposed that the introduction of all the Scotch peers would form too large an accession to the house; they were required, therefore, to select representatives out of their own body. The same objection was removed by the same expedient on the Union with Ireland. The distinctions between British, Irish, and Scotch peers, now become useless, would be abolished; and on every new parliament the whole peerage would be required to select a representative body. Such a body, if persons filling or who had filled certain

* Vol. ii., p. 16.

† Vol. iii., p. 303.

high offices, were *ex-officio* members, would constitute an aristocratic assembly; perhaps not remarkably inferior in virtue, in knowledge, in talents, in diligence, and even in wealth, to that which it is now our happiness to possess.

It is true that it would not be independent; since any minister, enjoying the decided support of the country and of the house of commons, would be able, by a creation and a dissolution, to obtain a majority in the lords. But, under such circumstances, is the house of lords now, under the existing system, independent? Its independence is confined to the case of parties in the country, and in the house of commons, being nearly equally balanced. In such a case the power of creation is virtually suspended. If the minister, with a majority of twenty-five, create peers from the house of commons, he destroys his majority, even if he should lose only one reelection out of three. If, to avoid this, he exclude from the peerage his supporters, he equally destroys his majority by disgusting the vain and selfish portion of his adherents; but if he have such a majority in the house as to be able to bear some loss on elections, and such a majority in the constituencies as will render that loss trifling, he can now govern the lords by the threat implied, rather than expressed, of mere creation;—as effectually, perhaps, as he could do after the supposed peerage reform, when there would be the further necessity of a dissolution.

A few years ago, there did appear to be almost a probability that such a reform might become necessary. The house of lords indeed abstained not only from straining, but, in a great measure, from exercising its political as distinguished from its legislative powers. Though exempt from dissolution and safe from creation, not merely independent, but if such were its desire, dominant; with the power of expelling by a single vote an administration which it disliked and distrusted, it yet refrained from giving that vote. It did not address the crown to dismiss its ministers, though such an address would, in the then state of parties, have been a command; but it displayed a temper, and pursued a course of obstruction, which excited alarm among our most intrepid and our wisest statesmen.

"Year after year," says Lord John Russell, "the commons grow more impatient at the frustration of measures for which they have labored for many a weary night, which contain nothing revolutionary or intemperate, and which are dispatched before dinner by some thirty peers, who, without reading the bills, and without listening to explanation, mar the fruits of a session. Year after year, the lords, strong in their numbers, grow more and more eager for decisive battle. With these dispositions, the superiority of the lords in matters of government may one day be asserted, or England may no longer bear the double sway of government in one house, and opposition in the other. Who are in that case to give the victory? Evidently the people of the United Kingdom. The country will ask in the end whether these measures were useful; and if so, why they were rejected? They will inquire who they are who have misused the power of legislation to indulge a party spleen; and those on whom that charge justly rests, will be the losers in the conflict."*

The conflict which Lord John Russell depre-

* *Letter to the Electors of Stroud, 1839, p. 41—43.*

ated, was averted, partly by the wisdom, firmness, and authority of the Duke of Wellington, and partly by the speedy termination of the real struggle in the house of commons. We now know, that such was the temper of the constituencies in 1839 and 1840, that if it had taken place, the victory would have rested with the lords. On a dissolution, the people would have sided with them. The danger lay in the precedent;—in the fear that, in a different state of public feeling, the lords, pleased with their apparent recovery of political power, might, on some other occasion, exercise their legal right to oppose the popular will; and thus force the crown to exercise its legal right of putting down that opposition by a creation, which, in the state of parties which now exists, or in any which can be expected to exist in that house, must be a very numerous one; and then, as we said before, peerage reform is inevitable. If that event should actually occur—if the most distinguished, and, on the whole, the most enlightened hereditary body that the world has ever seen, should be changed into an elected senate, on whom will the responsibility rest!—On those who endeavor to alarm the prudence of the house of lords, or on those who may inflame its ambition? On those who, by pointing out its political subordination, endeavor to secure its legislative authority; or on those who may tempt it to temporary triumph, and ultimate defeat, by ascribing to it a political independence and a political equality, which it possesses neither in theory nor in practice? On those who may have to sacrifice its existing constitution to the welfare of the state; or on those who, without any necessity—in the mere insolence of power, by the wanton creations of forty years—converted it from a moderately-sized council, fairly representing both the great parties, into a large assembly; in which one set of opinions is always persisted in, one class of measures approved, and one body of leaders supported, by the same overwhelming and hereditary majority?

We now close these volumes, with gratitude to the author, for much amusement, information, and instruction—with respect for his learning, and with admiration of his genius. We feel that the account which we have given of his work is very imperfect. We have been forced to omit the whole of the historical portion, and many philosophical discussions of great merit; among others, those on Party, on Checks, on Federal Union, and on Judicial arrangements. This, however, is not of much importance. Lord Brougham will be read in his own, not in our pages. On looking back at what we have written, we are struck by its controversial tone. This is perhaps unavoidable in criticism, where the subject-matter admits of only probable reasoning. On such subjects, when there is perfect coincidence of opinion in the author and the critic, there is little opportunity and no necessity for remark; but when this perfect coincidence does not exist, if the matter be important, the critic feels bound to express his dissent; and, if the author be one whose opinions carry great weight, to support it by argument and illustration. We have agreed in opinion with Lord Brougham much oftener than we have disagreed; but in the one case we have generally been silent—in the other, we have thought it necessary to state at some length the grounds of our dissent. No one, we are sure, will judge us with more candor than the great author himself.

He will feel that, whenever we have ventured to express dissent, it has been from no love of paradox or of opposition, but from a sincere difference of opinion on some of the most important, and, at the same time, most doubtful questions on which the human mind can be employed.

We are so deeply impressed with the truth of the opinions of the Edinburgh Reviewer, as to the tendency of reëlecting the President—that we again ask the attention of our readers to remarks published four years ago, and then favorably received by some influential journals.

PRESIDENT OF THE UNITED STATES.

It seems probable, that soon or late, an alteration will be made in the Constitution, by which a president of the United States shall be prohibited from reëlection.

If the change be *now* made, it can be accompanied by some other modifications and provisions which appear to us likely to be advantageous.

As the constitution now stands, a man whom the people delight to trust and honor, may be retained in their service, in this capacity as long as they please. And it seems desirable, that one who has long given his mind and his heart to questions of national policy—who has accumulated a vast stock of knowledge and wisdom—and who by his position at the head of the government has had, confidentially as it were, unusual opportunities of learning many of the secret springs by which our own and foreign affairs are moved—it seems desirable that such a man should not be *ostracised*, and that for the simple reason that he is *the just*, that is to say, in the opinion of the majority of the people.

We may readily imagine that at so early an age as *forty*, a man might, by great energy and wisdom in some public emergency, have been advanced to this highest elective post in the world. Is it expedient then, after drawing what advantage we can from him for four years, to cast him aside from the public service? His early elevation would thus prove an evil to himself and to the country. Far better for both had he continued twenty-five years longer in a subordinate station.

And yet there are many disadvantages attending the reëligibility of the president. Upon these we need say nothing, as public opinion seems to be settled.

We now beg leave to offer to the consideration of the members of congress and of the state legislatures, the following

AMENDMENT.

The president of the United States shall be elected for seven years, and shall not a second time be eligible to the office. But after the expiration of his term of service, he shall be ex officio a member of the senate of the United States.

It seems to us that it would greatly add to the beauty and strength of our government, to retain the presence and the experience of even the very few persons who could ever be in the senate in such a capacity. Who does not see that the services of Mr. Adams, with his incomparable memory of everything that has occurred during his long life, would be of great importance? And General Jackson, although he disappointed the high hopes we formed of him, we should be glad

that the influence he continued to exercise, should have been wielded from his place in the senate. To Mr. Van Buren, partly from his opposition to De Witt Clinton in the state of New York, but mainly from other causes, we have been as steadily opposed as any other person can have been; and yet we should be glad to provide an honorable and important position for him, in which he could bring to bear upon questions of moment, the knowledge and experience he has acquired.

To all *conservatives*, we say in conclusion, that such an alteration as we have proposed, is more in accordance with the general plan of the constitution, than the single alteration of making the office for one term of four years and no more.

Publishers' Circular, Feb. 1841.

From the Assistant of Education.

SONG OF EXPECTATION.

"Until the day break and the shadows flee away, I will get me to the mountain."—Cant. iv. 6.
"Looking for that blessed hope."—Titus ii. 13.

To watch the morning's dawn
I'll get me to the hill,
And till the shadows flee away,
I'll keep the watch-tower still.

For morning surely comes,
And who can paint its light?
Eternal glory is at hand,
To chase the dreary night.

Oh! I would catch its earliest gleam,
'To set my soul on fire,
And such seraphic ardors breathe,
As angel hosts inspire.

For long our pilgrimage hath been,
And dark the pilgrim's day,
The coming glory, blessed hope,
Chief solace of our way.

And though the glory lingers yet,
It cheers the fainting eye,
To mark, amidst surrounding gloom,
The star of prophecy.

I'll trim my lamp the while,
And chant a midnight lay,
Till perfect light and gladness come,
In glory's endless day.

From the Sailor's Magazine.

THE EVENING STAR.

STAR of the mariner! thy car,
O'er the blue waters twinkling clearly,
Reminds him of his home afar,
And scenes he still loves—oh! how dearly!
He sees his native fields—he sees
Grey twilight gathering o'er his mountains,
And hears the murmuring of green trees,
The bleat of flocks and gush of fountains:—
How beautiful, when, through the shrouds
The fierce presaging storm-winds rattle,
Thou glitterest clear amid the clouds,
O'er waves that lash and gales that battle;
And as, athwart the billows driven,
He turns to Thee in fond devotion,
Star of the sea! thou tell'st that heaven
O'erlooks alike both Land and Ocean

THE RIGHT OF SEARCH COMMISSION.

DIPLOMATISTS have taken a leaf out of the book of parliamentary tacticians. Our late ministers carried to perfection the art of substituting commissions when acts of parliament might, by provoking a collision between two great parties, have endangered their own tenure of office. Our present ministers have extended its range of application, by appointing a commission to examine evidence and report on a substitute for the Right of Search Treaties with France, instead of negotiating about them. At this moment any definite settlement of the Right of Search controversy would create a dangerous excitement either in France or England; but the report of a commission will set men to think and talk about minor matters, and keep them from insisting upon immediate action, where immediate action would be dangerous.

A more impracticable task than has been imposed upon the Duc De Broglie and Sir Stephen Lushington, if it is expected that they are to do more than serve as lightning-conductors to a dangerous excitement, can scarcely be imagined. They are to devise a means of *repressing* the slave-trade, equally efficacious with a right of search strictly enforced. "Results in the way of repression, at least equal to those which the right of search has led us to hope for," are said to be required by M. Guizot himself. The attempt to put an end to the slave-trade by force is to be persevered in. At least this appears to be the only intelligible interpretation of the language used in the letters both of the French and English ministers. And if this interpretation is correct—if the forcible suppression of the slave-trade is still contemplated—mutual right of search is indispensable to its attainment.

The soreness excited by the Right of Search Treaties has its origin in the obstructions which arise under them to commerce and navigation within certain latitudes. The same or equal obstructions would arise under any other efficient measures for the forcible suppression of the slave-trade, if such could be devised. It is impossible to discover from the outside of a vessel what it carries in the hold. The repression of the slave-trade by naval armaments requires that the mere appearance of a vessel in the waters where the slave-trade is carried on should render it an object of suspicion and liable to be searched. The loss of time, profit, and temper, occasioned by the exercise of so stringent a police, cannot be materially lessened to traders by subjecting them only to searchers of their own nation. The privilege of being searched by a countryman of their own would not go far to reconcile the passengers in St. James' street to a preventive police established to put down gambling-houses. Such a preventive police would soon lead to the desertion of the quarter within which it had authority, to the deterioration of property and the extinction of traffic: and the African Coast Guard has precisely the same effect. For one kidnapper whose ends are frustrated by it, twenty men are prevented from turning an honest penny. Lord Aberdeen says, indeed, that "the stipulations [of the Right of Search Treaties] have proved effective:" but the witnesses examined by the West African and West Indian committees of the house of commons—the slave-trade papers annually laid before parliament—nay, the West African corre-

spondents of the last number of the *Anti-Slavery Reporter*—prove that the slave-trade is undiminished either in extent or cruelty. The fair trader, on the contrary, is scared from the coast of Africa by the armed inquisitors, and roused to make common cause with the slave-trader in crying out against them. National pride may increase the irritation which this interference with traffic creates: but the real substantial grievance is the oppression of all, inseparable from the stringent methods adopted to suppress the slave-trade.

The Duc De Broglie has a reputation to support. He is regarded as one of the most earnest and sincere, and at the same time as one of the most reasonable opponents of negro slavery. And he has the character of a practical man—of one who has stood aloof from the acceptance of public offices from disinclination to accept the show without the substance of power. When he undertakes a task, men infer that its accomplishment is sincerely wished. But will this estimate of his character continue to prevail, if he has consented to act on the Right of Search commission under the limitations which the language of Lord Aberdeen and M. Guizot implies? To the success of the Commission it seems necessary that they should be at liberty to recommend other than forcible means of putting an end to the slave-trade, and to slavery.—*Spectator*, 15 Feb.

A VISION OF REPEAL.

THE Irish repealers are strange people. Talk of Ireland's disordered state, and you are angrily told that no country is so quiet: say that it is quiet, and you are more angrily assured that it is agitated. Ireland, says the Queen's speech, is tranquil: the Town Council of Limerick "resolves" that Ireland is agitated! Some little time back, Mr. O'Connell thought that federalism was not so very bad a thing; and straightway young Ireland was open-mouthed against him for abandoning "simple repeal." He has reverted to his old assurance that repeal is certain and swift: now, Young Ireland, speaking through the *Nation*, speaks of repeal as a thing which is to happen in some indefinite future. There is wonderful naïveté in these passages:

"The task undertaken by the repealers is to regain their country from its foreign rulers. It is a great and difficult task. In 1843 there seemed a possibility of carrying repeal by the hurrah of agitation. *That is proved impossible.* We must now win by the glow and ceaseless cultivation of our strength till it is able to cope with our enemy. We cannot succeed by surprise now. Peel is wide awake. Were the monster meetings to re-assemble, he would not fear them. He dreaded them as the preliminaries of insurrection. He would be (as he was) indifferent to them as expressions of public opinion. He fears no power save that which can outvote him in the senate, or oppress his exchequer by the costs of war. *Nor can we longer rely on the accident of an European quarrel.* That may come, or rather, will come; but if, ere it come, the people of Ireland are prostrate, *how will it save us?* To trust to it were unsafe and unworthy. We must free ourselves. The repealers must cultivate their strength till they are able for their great work. They must conciliate the protestants; proving to them, not by empty words, but by their whole lives and acts, that there is no Catholic bigotry in Ireland,

and that religious liberty is as dear to one church as the other. * * * Next in value to Protestant conciliation is the improvement of the repealers themselves, both individually and as a league. *Ere we can take Ireland from the English, we must know more than they do—we must be their superiors in wisdom and virtue.* The sons of the repealers are learning those elements of thought, which, guided as they are to patriotic ends by the surrounding agitation, will make them the terror of England, if England's misrule should survive their boyhood. In the district reading-rooms the people can study the state and history of their country."

"Much virtue in it!" Here repeal is put as a mere contingency, with such vast conditions, that skeptics as to the perfectibility of human nature would accept the whole statement as a periphrastic form of saying that repeal of the Union is impossible; just as Acis describes the impossibility of repealing his union with Galatea—

"The flocks shall leave the mountains,
The woods the turtle-dove,
The nymphs forsake the fountains,
Ere I forsake my love."

However, there is a great deal of sound advice involved in this curious statement by the *Nation*. It reminds us of the dying farmer who told his sons to dig for a treasure in his field; the profit from thoroughly digging the soil and rendering it fertile being the real treasure, which alone they actually discovered. The *Nation* tells its countrymen to do such things as a means of attaining repeal, that Ireland must benefit though it never find its promised object. If the country were to fulfil the injunction, it would indeed grasp power: if it were really to know more than England, not London but Dublin would be the capital of the United Kingdom: if it were to become a nation of Humes and Hallams, a people of thinkers, it might defy misrule of any sort. We only dissent from the supposition that it would then be "the terror of England:" on the contrary, it would be a safeguard and refuge for us. And as we do not see under what engagement England will lie to stand still in this process of study in wisdom and virtue, we trust that she too will not suffer Ireland to "take her down" in class, but will also make such progress that both will jointly constitute the *decus et tutamen* of the civilized world. The *Nation* says that repeal is impossible until some such time: we say that it would be more impossible then than ever: for union would then be as dear to both as "showers to larks," or "sunshine to the bee."—*Spectator*, 15 Feb.

ACCIDENT TO MR. WAKLEY.

We have the evidence of that great physiologist, Mrs. Malaprop, that in the East figures are very unmanageable, when she observes that some one is "as headstrong as an allegory on the banks of the Nile." There are monsters as dangerous on the banks of the Thames; and sometimes they wander into the low buildings and seize upon the inmates. The house of commons is much infested; and, melancholy to relate, on Thursday evening Mr. Wakley was obstinately attacked by a metaphor; from which he was with great difficulty rescued by the whole house; all his fellow members, much to their credit, hastening, without

distinctions of party, to drive the monster away by their shouts. The unfortunate gentleman, unconscious of his danger, was sportively talking of the object which the Prince De Joinville had in magnifying the power of the British steam-marine, in order to rouse the French people to rival it.

"He looked through the wrong end of the telescope, in order to make our power appear to his countrymen as small as possible. (*A laugh.*) He meant that he looked through the right side of the telescope to make our power appear as small as possible. (*Laughter, and cries of "Large, large!"*) No; small, small! (*Laughter.*) Really, they were very merry; but they were mistaken, and he was correct. The prince, for his own sake, wished to ascertain our real dimensions; but he got his countrymen to view us through the telescope, in order that our power might appear to them as small as possible. (*Renewed laughter.*) Really, after all, they were right, and he was wrong—he meant as large as possible." (*Laughter, and "Hear, hear."*)

We understand that Mr. Wakley sustained no serious injury from the seizure, and that he so far recovered as to be able to walk home.—*Spectator*.

THE MAGIC BALL.

THE *Siècle* of Paris relates a strange incident, but obviously mistakes the gist of the matter. During the Carnival, the Duc De Nemours gave a series of balls and concerts, for each of which there was a distinct list of invitations. Persons of mature age were to be invited to the concerts, and only young persons to the balls. We now quote the words of the *Siècle*—

"On the occasion of the last ball, to the astonishment of the prince, all the company were elderly. There were gentry, peers of France, aged spinsters, dowager duchesses, and hobbling members of the Chamber of Deputies. When the orchestra struck up a quadrille, the company were as astounded as the prince; but as etiquette seemed to require that they should dance, a quadrille was formed, and the good old folks went through it, to the great amusement of the spectators; who could not, however, venture to indulge in a laugh, lest they in their turn might be laughed at. A mistake had been made in the list of invitations; but the mischief being done, nothing could be said about it, and the peers and peeresses, grave lawyers and antiquated deputies, shuffled through the evening, to their no small mortification."

Their mortification! *Credat Judeus.* The Duke is a "deep one," and he understands human nature. He proved it when he struck out the plan of dining all the world to make the way to his dotation; but this last is a stroke even beyond the dinner. Of all passions in the human breast, the desire to resist the encroachment of time is the strongest. The very mirror is disbelieved; the wrinkles of the face are unseen in the accommodating simper with which the glass is approached, and the reflector of truth is wheedled into telling a falsehood. The hair turns gray in vain—it is anxiety. Children grow to manhood and womanhood—but they are still called children. The ear learns the trick of accepting truth with a difference. But there is one fatal sign that cannot be misconceived: balls are given, and for the first

time the aging dancer *is not invited!* Appalling negation! Who can resist that conviction! One's dancing-days are then really over—Tithonus is not immortal! There is no attempt to resist that inevitable decree—the victim yields to fate in silent despair. But Nemours has struck that deadened chord, and wakened it to rapture. The uninvited have been invited! It was accident—quite accident—nobody meant a frolic; all was meant to be decorous; but it did so happen. The antiquated peers, the dowager duchesses, the aged spinsters, again threaded the mazy dance. The limbs perchance were stiff—the pas de zephyr was not very aerial—the knees may have tottered—the thrill of pleasure was less tumultuous; but a generation was struck from the rolls of time, and once more before the tomb, the faithful swain (faithful or not) pursued with measured ardor the goddess of his devoirs, as if it were decreed—

“Forever shalt thou play, and she be fair.”

And the duke has given them this *bonne bouche* of existence. He has secured the votes of the old ones.—*Spectator*.

REV. SYDNEY SMITH.

AMONG the aged public men who have just been carried off by the protracted hard weather, none will be more regretted than the Reverend Sydney Smith; whose wit was somewhat too vivacious for the dull decorum of ecclesiastical etiquettes, though its brilliancy did not conceal sterling worth and benevolence. Sydney Smith, scion of a Devonshire family, was born in 1768, at Woodford, in Essex. He was educated at Winchester school, and in New College, Oxford; where, in 1790, he obtained a fellowship, and, in 1796, the degree of M.A. Having been appointed to the cure of Netheravon, near Amesbury, he became tutor to the son of Mr. Hicks Beach; with whom he resided for some years in Edinburgh. While there, he officiated at the episcopal chapel: but the most notable result of his sojourn was the *Edinburgh Review*, established at his suggestion, and first edited by him. In 1803, he came to London; and married the daughter of Mr. Pybus the banker. His preaching attracted full and fashionable audiences to the Foundling Hospital, the Berkely and Fitzroy Chapels. The whig ministry of 1806 conferred upon him the living of Frostonin, in Yorkshire; and on the expulsion of his patrons by the “No-Popery” cry appeared his celebrated *Letters of Peter Plymley to his Brother Abraham in the Country*,—immortal specimens of sparkling wit and forcible logic. In 1829, Mr. Smith received the rectory of Combe Florey in Somersetshire, valued at 300l. a year; and in 1831, under the ministry of Lord Grey, he became one of the canons residentiary of St. Paul's Cathedral. An interesting writer in the *Times* gives a masterly review of the career of the liberal wit. “In everything which he attempted he appears to have been eminently successful. At college, he graduated with honor, and obtained a fellowship. He projected and contributed to a review, which has enjoyed the highest degree of prosperity; he attempted an ambitious style of preaching, with a vigor of talent which distanced all rivalry; he became a public lecturer, and the whole world of Mayfair flocked to Albemarle street to enjoy his humor and become enlightened by his researches; he published political works, which have gone

through editions so numerous that as many as twenty thousand copies of some have been sold; he lived long enough to enjoy his reputation, and to attain to a greater age than falls to the lot of ordinary mortals; and yet those who appreciate wit, who can admire learning, and who honor the man that used both for the good of his species, will be disposed to think that, old as Sydney Smith was, he died too soon. When a person of high intellectual power is removed from this life, the place which he occupied is never again really filled. One public functionary may succeed to another, one professional man may discharge the duties which for a long time devolved upon his predecessor; as generation follows generation in the ordinary course of human life, one man fills the place that another had occupied: but such is the quality of genius—so perfect is its individuality, so peculiar its attributes—that it is “itself alone,” and the void which its removal occasions must long continue to be perceptible. In no case has this truth been more generally acknowledged than in that of Sydney Smith. * * * The conversational witticisms of Sydney Smith would fill a jest book; but his character will be estimated by posterity on far higher grounds. When his “quips and cranks” are lost and forgotten, it will be remembered that he supported Roman Catholic claims, and that they were conceded; that he strenuously assailed the Game laws, and that they underwent great modification; that he compelled a large portion of the public to acknowledge the mischief of our penal settlements; that he became the advocate of the wretched chimney-sweepers, and their miseries were alleviated; that he contended against many of the unjust provisions of the church reform bill, and they were amended; that whereas, before his time, a man accused at the bar of a criminal court might be hanged before he had been half heard, now every prisoner has the benefit of a defence by counsel. It will further be freely acknowledged, that no public writer was more successful than he in denouncing a political humbug, or demolishing a literary pretender; that he was on the whole an upright and a benevolent man; and, as the world goes, a disinterested politician; that he had opportunities of improving his fortune which he nobly rejected; and that, having lived with unostentatious respectability, he died without accumulating wealth.”—*Spect.*, March 1.

Sydney Smith was almost the only, certainly by far the best representative of the Steele and Swift class in the nineteenth century. The class we mean is composed of men of genius whose social and literary reputations mutually support each other—whose writings are more valued because their readiness in conversation shows that their thoughts are their own, and whose witticisms in society pass current the more readily because it is known that they can stand the test of print. Men of this class do not write big volumes; but what they do give to the world is full of matter, suggestive, and highly finished. They deal in general with topics of the day, but handle their subjects in such a manner as to impart to them a general interest and lasting freshness. They are too desultory in their habits of thought to construct systems; but they get at truth by the divining power of common sense—their remarks are sure to hit the right nail on the head. Their interest in politics is intermittent; they are incapable of sustaining the rôle of practical politicians; but they do like to throw in a word of advice, and their

advice is generally worth listening to. They are in everything hybrids between the man of thought and the man of action; and a very pleasing mixture they are.

The great secret of Sydney Smith's success was that he knew his place. He had taken a just measure of his own powers, and did not aspire to be anything else than he was. He was quite aware that he could suggest to public men views which they might have overlooked—that he could express their views in a better and more taking manner than they could—that there was a charm in his compositions and conversation to make them run after. He felt that he could make himself necessary, and thus secure an agreeable position in society. And he did not fall into poor Swift's mistake, who, with pretty similar claims imagined he could be master and dictator of those active spirits to whom he was only competent to be an indispensable auxiliary. Sydney Smith was aware that he could not become a Brougham, or even a Lord John Russell: but he felt that he knew them both thoroughly; and on their parts they had a rather uneasy consciousness of the same kind. To this tact and self-knowledge Sydney Smith added the advantage of being older than the colleagues with whom he started in life, and of having from his education at an English University something less of the provincial. They believed that he knew more of the world, and was less liable than themselves to be carried away by mere impulse or one-side knowledge; and the ascendancy he had at the outset he maintained to the end. This gave him an authority in their conclaves, confirmed by that strength of character which passed through the intoxicating experience of a fashionable preacher in the metropolis and a favorite of the salons without having his head turned. To all these circumstances he owed that he was an independent power even in the Dom-Daniel of Holland House. The few frequenters of that circle who were strong in conscious power, and they who enjoyed the hour without reflection, could relish Sydney Smith: but the innumerable shams who must always compose the bulk of such a coterie, feared while they were proud of him. He was one of those awkward allies who are not always easily managed, and with whom men dare not break.

Much of the charm of Sydney Smith's writings lay in the manner; but the matter was still more valuable. His views, if not strictly original, were in his day uncommon; and he had made them his own. He did not merely repeat what discoverers told him; he saw himself what they pointed out, and in his own way. He wrote only about what he thoroughly understood: he was master of his subject, not mastered by it. He was thus enabled to play with his theme—to insinuate truths playfully, from the severe enunciation of which the public mind would have shrunk. A suggestive fancy, and rare patience of elaboration, came to the aid of this self-possessed disposition. But this talent was always regulated by good sense, and kept in subordination by earnestness of purpose. Even in his wildest license of burlesque he never transgressed the limits of good taste, and there was always meaning and a useful aim in his jokes.

Few have pioneered so effectually the cause of reform in education, the law, and our political institutions; and of all the leaders of liberal opinion, he alone, perhaps, never stooped to coquet or compromise with the vulgar and mawkish cant of Exeter Hall.

Without that enthusiasm, which if it prompts self-sacrifice is unrelenting in its exaction of similar sacrifices from others, Sydney Smith was throughout life kind and disinterested. It has been insinuated that his only two prominent appearances of late years were dictated by selfish motives. This is unjust. In the case of the Canons Residentiary he raised his voice less for Sydney Smith than for one of those classes whose individual hardships are too apt to be disregarded in sweeping or bungling measures of reform. His identity of position enabled him to enter thoroughly into their feelings; but it was more their feelings than his own to which he gave utterance. In the case of the Philadelphia Repudiation there can be little doubt that the pleasure of lashing the swindlers amply repaid him for the loss that roused him to the exertion.

We hear less of Sydney Smith's writings than formerly. Other topics of the day have superseded those about which he wrote. His writings have been relegated from the club and coffee-room to the library; and age has not yet winnowed away the chaff of contemporary scribblers amid which his wheat is deposited. But his time is coming again. His broad and genial humor, his reality, his shrewd appreciation of character, will insure his Sibylline leaves a share in the immortality of the Montaignes and Steeles of past generations.—*Spectator*.

THE UNITED STATES.

THE house of representatives have declared in favor of annexing Texas and organizing a territorial government in Oregon; and they have received petitions from Michigan and Maine praying for the annexation of Canada! The government of Texas disclaims all desire to be incorporated into the union; the bill for organizing a government in Oregon is a violation of an existing treaty with England; and the Canadas certainly have evinced no wish to fraternize. The spirit that animates the house of representatives is a lust of domination, as precipitate and insatiable as that of any crowned tyrants, the butts of American oratory.

The rational and honest portion of the U. S. citizens endeavor to reassure other countries by protesting that the senate never will adopt such measures. Let us hope so; matters are already bad enough when one of the three coördinate branches of the legislature can violate decorum and respect for the rights of other nations to the extent of passing the Texas and Oregon bills. But how long can the senate persevere in resistance to these annually-repeated assaults on its virtue? It stands between two fires; the president is as friendly to the acquisitive line of policy as the house of representatives; and both are urged on by popular feeling. The house of representatives is goaded by petitions for annexation and appropriation; General Jackson publishes oracles, that if Texas be not acquired peaceably now, it must be hereafter by the sword; and even Mr. John Quincy Adams tells stories about pattern young Americans, looking on the St. Lawrence and exclaiming, "It is and must be ours!" The senate is elective as well as the other branches of the legislature; for how long can the honest Americans guarantee to England, Texas, and Mexico, (California being already eyed wistfully by the annexers,) that the senators who stem the

torrent of national cupidity will be allowed to retain their seats?

The hardest task of the respectable class of Americans, of late years, has been to apologize for their government. The government wished to abolish slavery; the government wished to preserve national faith inviolate; the government highly disapproved of the conduct of the New York sympathizers; but the government was checkmated in all its attempts to redress those wrongs, by "States rights." Foreigners and negroes are not the only parties for whom the United States Government is too weak to procure justice. In North Carolina there is a law that every sailor of color in a foreign vessel shall be kept locked up until his vessel departs; under this law, free black citizens of Massachusetts have been repeatedly deprived of their liberty; the Government of Massachusetts lately sent an agent to remonstrate against this conduct of the Carolinian authorities—the envoy, and (apparently) his daughter also, were only saved from the American accolade of tarring and feathering, by the gentle compulsion of some gentlemen who conveyed them on board ship and obliged them to set sail.

Respectable citizens wish their government to be thought the best-disposed and most honorable in the world; but, unfortunately, it lacks power to give effect to its good intentions. It can only sigh over the excesses of its subjects, (we beg pardon—"citizens,") not prevent, check, or punish them. Do the Americans fancy that other nations will always be put off with these whining protestations of weakness and regret? that injured, insulted, and sufficiently powerful European states, will not some day take in hand to punish those who are too strong for their own government? Do they fancy that when other nations see their government not only tolerating the outrages of the worst class of citizens, but carrying into act its dishonest mandates, suspicions of complicity will not be awakened?

In the United States are to be found individuals and classes as honorable, as intelligent, as in any country in the world. Amid all the obliquities of other departments, the bench of the United States has maintained its character untarnished. The officers of the army and navy are, as a body, gentlemen in the strictest acceptance of the word. The educated clergymen of the union are, in general, men of integrity, and set an excellent example. But, year after year, these classes appear to be losing their hold upon the executive and the legislature. It is not merely that these are now, as they ever have been, forced to give way before mobs, and content themselves with repairing the damage as they best might after the mischief has been done. They are worsted at every election; the degrading sentiments of the mere rabble are unblushingly avowed in their legislatures. The constitution of the United States seems on the eve of changing from a democracy—for *demos* elevates the whole people—to a *kakocracy*.—*Spectator*, 1 Mar.

ARMED SUPPRESSION OF THE SLAVE-TRADE.

SEEING clearly the mote that is in our brother's eye, let us not neglect a considerable speck in our

own. By what right do we authoritatively interpose to regulate under penal laws the conduct of foreigners? What right has one nation to interfere with the citizens of another, except for its own protection? Admit that we have a right to enforce our moral convictions *vi et armis* on alien nations, and we acknowledge the right of Rome, if she can, to impose Popery on us—of Islam to introduce the Koran and polygamy. We arrogate the right to meddle with the citizen of the United States in such way that one state of the union dares not pretend to act towards another—in such mode as that encroachment which now causes war between the sovereign states of the Swiss Confederation. Observe, if we speak only of moral conviction and free consent, we must negotiate without cannon at our backs, without diplomatic reserves, or custom-house bribes. The custom-house bribes are out of place, because we do not seek to purchase a benefit conceded to ourselves, but to dictate what another government shall do to its own subjects, according to our code. Our claim is a monstrous violation of sovereignty, to which nothing but meanness or cowardice will induce any foreign country to submit.

The limits of our just interference are very clear; they are the limits of our ordinary jurisdiction—territory and allegiance. If we have come to certain conclusions as to what is crime, we have a perfect right to enforce the rule within our own territory and upon our own subjects. Let us abolish slavery, if we will, and show, if we can, that it is not only virtuous, but prudent, safe, and profitable to do so. Do not let us burden our servants with the duty of enforcing English laws on Spaniards, Portuguese, French, and Americans, all along the coasts of Africa and America. Such an enterprise would be clearly impracticable and silly; it *has* failed for half a century. Limit the police-restraint to our own jurisdiction and territory. Let it be piracy for an Englishman to engage in the slave-trade, and few Englishmen will run the risk of death or perpetual exile for any share of profit. Above all, enforce the law, fully and without qualification, that every man standing on soil owned by Britain is a freeman; admit no qualification to that rule; grant that it may cause you to harbor a few runaway criminals, but say, that so long as a nation consents to own slaves and makes freedom a crime, you will not venture to discriminate between the culprit and the innocent fugitive at the suit of the slave-owning state; do all that, and you do all within your jurisdiction to secure personal freedom. That done, let your colonists compete to their hearts' content with slave-traders in obtaining labor from Africa. There is no chance that under cover of such migration a slave-trade would arise; for as you refuse to recognize any bond—as you begin by regarding every man as a freeman, and acknowledge no obligation except such as he may incur *after* your recognition of his liberty—you would frustrate the whole end and aim of slave-trading. You make the transfer of the slave from dealer to purchaser impossible. Slave-traders deal in slaves, not in freemen; could you convert the cargo of a Baltimore clipper, on landing, into so many Yankee citizens defying ownership, you would have very few Baltimore shippers investing money in that trade.—*Spectator*, 1 Mar.

PUNCH.

ECONOMICAL LUXURIES.—From recent accounts, if it be true that mesmerism can convert water into beer or wine, and can work changes in the gastronomic way that Bradwell, Döbler, and Time, were they to put three heads together, never could invent; why not then apply this new science of cheap cookery to the improvement of workhouse larders? Only consider the saving to each parish in the poor's rates, if the paupers were to imagine the New River Moët's champagne, paving-stones loaves of bread, and deal-boards haunches of venison! The same legerdemain might be practised on everything that passed their mouths; and the paupers, whilst they would fare at less cost, if possible, than at present, would have the mental enjoyment of imagining they had been dining off luxuries hitherto the abdominal perquisites of aldermen. Every Union will become an Arcadia, stocked with venison and currant-jelly, and poverty be a thing only to be met with in works of fiction! The Millennium, by the aid of magnetism, will be brought to every man's door; and the pot will be kept boiling all through the world by means of the electric fluid.

NEW TITLES OF HONOR.—It is stated to be the intention of her majesty's advisers, in emulation of the titles common in Spain, such as "Duke of Victory," "Viscount of Loyalty," (recently conferred on the Baron de Meer,) &c., to institute a new set of dignities, taking their denominations from the qualities most distinguishing the intended recipients. Thus, a noble ex-chancellor is to be created "Viscount of Vinegar;" Mr. O'Connell, "Viscount of Vituperation;" and Sirs R. Peel and J. Graham, (from the epistolary perfection of the one, and the deciphering capabilities of the other,) respectively, "Lord Letterwriting," and "Lord Letterreading." Nor are the new titles to be confined to the political world; Lord W. Lennox, we understand, is to be raised to the peerage by the style of "Viscount Scissors, of Sheffield;" and the celebrated Mr. Grant, "Earl of English Grammar," Mr. Bunn, the poet, is to be "Baron of Blazes;" and the chivalrous Mr. Widdieombe will have the appropriate title of "Marquis Methusalem." However unusual it may be to ennoble a Lord Mayor, or other city dignitary, we also hear that, in consideration of his distinguished merit, the present occupant of that honorable office is likely to become "Baron Brass."

PUNCH'S NOY'S MAXIMS.

OF GRAMMAR.—For ages the law has regarded Grammar as a guest at a dinner-party regards champagne, taking it when it happens to be there, but never insisting on having it. "It has been settled," says an old jurist, "that Alfred the Great lived before Lindley Murray, and as Alfred made a very good code of laws without the aid of Orthography, Etymology, Syntax, or Prosody, it does not seem that the law absolutely requires any one of them." Lycurgus, the Spartan lawgiver, was no great grammarian; but it was facetiously said of him that he could decline though he would never conjugate; for he declined his brother's widow, and refused to enter into the conjugal state with her. The only law maxim bearing on grammar, is—

3. *Ad proximum antecedens fiat relatio, nisi im-*

pediatur sententia—The antecedent bears relation to what follows next, unless it interferes with the meaning of the sentence.

An indictment against John, the husband of Elizabeth Yeoman, is good; for though Lindley Murray would say the yeoman meant Elizabeth, the law would say that a woman can't be a man, and that John, the husband, must be considered as the Yeoman referred to. So, in the case of the actor who burst in upon Richard the Third, exclaiming, "My lord, 't is I, the early village cock," and forgot the remainder of the passage—it is clear he could not have been sued as the early village cock; for such a description, though grammatically correct, would have been at variance with all probability.

OF LOGIC.—4. *Cessante causâ cessat effectus*—When the cause ceases, the effect ceases. This maxim may be read either backwards or forwards; for if it be true that when the cause ceases the effect ceases, it is, *à fortiori*, a greater truth that when the effects cease the cause will cease; for the lawyer, when he finds the effects all gone, will let the cause come to a stand-still.

Though it is a general rule that effects cease with causes, there are cases to the contrary. And the books tell us of a man who had a thrashing which caused him much pain, and the pain which was the effect did not cease when the thrashing, which was the cause, had been for a long time over.

5. *Some things shall be construed according to the original cause thereof.*—Thus, if two men have a quarrel, and some long time afterwards fight, it is presumed they fought because they quarrelled; but in the Irish courts, and some of the courts about St. Giles', it has been decided otherwise. It has been there held that fighting may be carried on from mere love and affection, and the fight is quite independent of any quarrel that may have preceded it.

6. *Some things shall be construed according to the beginning thereof.*—Thus, if J. S. throws a stone at J. D., and misses him, and J. D. runs after J. S. to thrash him, and J. S. is beforehand and knocks him down, J. S. is guilty of the assault, for he began by throwing the stone; and J. D. stands in the best position in the eye of the law, though in other respects he has got rather the worst of it.

7. *Some things are construed according to the end thereof.*—Thus, a brilliant *finale* may save a dull opera, and a prosy speaker makes us feel satisfied with him at the end because we are pleased to find his speech is over.

8. *Derivativa protestas non potest esse major primitivâ*—No power derived can be greater than that it is derived from. The application of this maxim is clear enough: for instance, "the bailiff of the disseisor shall not say that the plaintiff has nothing in the land," which is a nut that the legal student may crack at his earliest convenience. There are, however, cases in which a derivative power is greater than that from which it is derived; "as where a ticket-porter," says Finch, "is empowered by me to carry a chest of drawers on the top of his head, surely his power is greater than mine in this respect." Howell, in his familiar letters, alludes to this as a knotty point, and makes no attempt to unravel it.

9. *Quod ab initio non valet, in tractu temporis non convalescit*—That which is not good in the beginning no length of time can make good.

Thus, if an infant makes a will it is bad, and if the infant lives to be a hundred the will does not become good, though it is otherwise with port wine, which improves by keeping. So a bad toothache may get better; though some, acting on the maxim that what is bad in the beginning will not become good in time, have served the tooth with an ejection, and ousted it accordingly. The old saying, that "bad beginnings make good endings," is quite at variance with the maxim we have just been treating of. Perhaps the best translation of this maxim is one which we find nowhere in the books, but which we beg to recommend to the attention of harsh creditors—*Quod ab initio non valet, Quod is of no use in the beginning; in tractu temporis non convalet*, and for a length of time it is of no use either.

10. *Unumquodque dissolvitur eo modo quo colligatur*—Everything is dissolved by the same mode in which it is bound together.—In reading this maxim we involuntarily exclaim, "Oh law!" for nothing but law would venture on such a bold assertion as the above, which is almost enough to call a blush into our modest pen, by turning red the ink we are writing with. If the maxim were true, that everything is dissolved by the mode in which it is bound together, ice would be dissolved by freezing, and a hard-boiled egg would be rendered soft by again boiling it. What is palpably false may, however, be legally true, and the maxim is good law though it is very bad morality. Thus an obligation in writing cannot be discharged by mere words—as, if a man has given a bill, all the talking in the world will not take it up. And the old English maxim, that "fine words butter no parsnips" had probably reference to a written contract wherein A., after having undertaken to butter certain parsnips belonging to B., endeavored to release himself from the obligation by a little of what the American authorities usually term "soft sawder."

An act of Parliament can only be avoided by an act of Parliament; and doubtless to save trouble, Parliament frequently provides for this in one and the same act, by leaving loopholes in it, which render it easily voidable.

11. *He who claims a thing by a superior title shall neither gain nor lose by it.*—"Though," says Knight Bruce, "if a purchaser claims from his wine-merchant a dozen of champagne, and gets gooseberry, thus in fact claiming the gooseberry by the superior title of champagne, he does both gain and lose; for he gains experience, and loses the value of his money." In the old editions of Noy, we are told in illustration of this maxim, that "If an executor recovers and dies intestate, and J. S. administers to the goods of the first testator, J. S. shall not sue out execution upon this recovery." The only difficulty about this case appears to be how the executor happened to die, when we are distinctly told that he recovered.

12. *Debile fundamentum fallit opus*—A weak foundation destroys the superstructure.—Thus, a very seedy coat will ruin the effect of a new hat, and a horse will inevitably break down if he has not a leg to stand upon. If he who claims the freehold is defeated, all his tenants are defeated also, because the foundation is gone: and so, if the parlors (occupied by the landlord) should tumble in, the floors above (let out in lodgings) would be sure to follow.

13. *Incidents cannot be severed.*—This maxim means that anything incidental to something else

cannot in law be taken from it; but an incidental ballet is sometimes left out of a piece, and the incidents in a melo-drama may often be severed, for they frequently have no connection one with the other.

14. *Actio personalis moritur cum personâ*—A personal action dies with the person.—This maxim is clear enough, and means that an action brought against a man who dies in the middle of it cannot be continued. Thus, though the law will sometimes pursue a man to the grave, his rest is not there liable to be disturbed by the lawyers. If a soldier dies in action, the action does not necessarily cease, but is often continued with considerable vigor afterwards.

15. *Things of a higher nature determine things of a lower nature.*—Thus a written agreement determines one in words, though if the words are of a very high nature they put an end to all kinds of agreement between the parties.

16. *Majus continet minus*—The greater contains the less.—Thus, if a man tenders more money than he ought to pay, he tenders what he owes, for the greater contains the less; but a quart wine-bottle, which is greater than a pint and a half, does not always contain a pint and a half, so that in this instance the less is not contained in the greater.

17. *Majus dignum trahit ad se minus dignum*—The more worthy draws with it the less worthy.—In accordance with this maxim, the owner of deeds has a right to the box containing them; for the box, which is less worthy, is drawn to the deeds which are the more worthy. By the same rule, that which draws the boxes will also draw the pit, and sometimes the gallery. It may be added, as a further illustration of this maxim, that champagne draws with it brandy-and-water at a later period of the evening; and thus the more worthy—the champagne—draws the less worthy—the brandy-and-water—after it.

18. *Naturæ vis maxima*—The force of nature is the greatest.—This maxim means that no power is greater than natural affection; but the power of the steam-engine was unknown when the maxim was written. Parental affection approaches nearer to steam; for a father frequently blows up his child, and in some cases a good deal of the affection of the former has been known to evaporate.

19. *The law favoeth some persons.*—The reader will no doubt think that Noy was in a merry mood when he talked of the law favoring any one but the lawyers themselves, though when it is ascertained who the favorites of the law really are, the maxim is not quite so enigmatical. The favored individuals are women, infants, idiots, madmen, and persons without intelligence, who being all of them helpless, may be supposed to fall an easy prey to the law, and are therefore its favorites; in the same sense as the sparrow is the favorite of the hawk, or as the lamb is the especial pet of the wolf, when the parties happen to come in contact. The doctrine of tit-bits offers a wide scope for discussion; but it may be laid down as a general rule, that where the law gets hold of an idiot with property, it will favor him in one sense—for it will make much of him. The gallantry of the law in classing women and lunatics together may be questionable; but this is a point we leave the lawyers and the ladies to settle between them.

20. *The law favoeth a man's person before his*

possession.—This is true enough; for the law will not spare a man's property, though it will often leave his person unmolested. Thus, the law will not lay hands on an idiot's person, even for felony, but it will lay hands on his property, by taking the earliest opportunity of clutching hold of it.

21. *The law favoresh matter of possession more than matter of right, when the right is equal.*—Thus, if two persons were to knock a man down with the intention of robbing him, the law would, according to the above maxim, favor the thief who managed to get possession of the property. "This," says Spelman, "is the doctrine of first come first served; for if six people sit down to dine on a chicken, it is clear that they cannot all take; but he that is first seized, or rather seizes first, will be entitled, though the right of all was in the first instance equal." In the above case the remainder-man has no relief, even though there may have been covin, for he has only a contingent interest, which the estate—or chicken—may not be large enough to satisfy.

22. *Matter of profit or interest shall be taken largely, and it may be assigned, but it cannot be countermanded. But matter of pleasure, trust, or authority, shall be taken strictly, and may be countermanded.*—This maxim is somewhat long, or, as Coke would say, it goes great lengths: for when it says matter of profit should be taken largely, it seems to hit at the law itself, which does certainly take as largely as it can any matter with profit attached to it. If I allow a man to walk in my park, he cannot bring any one else to walk with him, for it is merely a matter of pleasure; but if I allow him to come to play at leapfrog in my yard, it is doubtful whether he could not bring a few friends, for no man can play at leapfrog by himself, and the permission should include everything necessary to the full enjoyment of it.

A license to come into my house to speak with me may be countermanded, for, if the party takes too much license and becomes impertinent, I may show him the door: as in Smith's case, where Smith was asked in, but beginning to dun for his small account, the license to speak with me was revoked, and Smith, growing rude, was sent flying (*vide SHOWER*) down the hall-steps, till he became tenant in tail of the pavement.

CHURCH THIEVES.—Thieves are, now-a-days, such prosaic rascals, that their doings have ceased to interest us. Perhaps it is that the graces of modern fiction have so elevated and set-off the burglar and the highwayman, that we are disappointed with the blank vulgarity of the real thing. It is like seeing a Coburg *Richard*, reduced to a Tweed-wrapper and a cotton umbrella, picking his way along the New Cut. We were, therefore, somewhat tickled by an epistle, sent, on the 22d ult., by some sacrilegious knave, to the Rev. Mr. Dee, of St. Thomas', Southwark. Some months back, the church was robbed of its communion-plate. One of the thieves, however, treats for its restoration. We extract from his homely epistle:—

"Reverd Sir,—The reward as is offred is not enuff for the plate *removed* from the church as the *expenses* as been very heavy and the *anxiety* if you are disposed to make it fifty pounds to be divided amongst us it may be restord as *this is the first time have had to do with a church.*"

Now, of the "expense" of breaking into a church we have not the remotest idea. We presume, however, that it must be a costly operation. We particularly admire the word "removed:" there is a fine delicacy in the phrase that is quite diplomatic. It is quite a touch for a prime minister or an ambassador, and here we find it pressed into the service of a half-repentant gallows-bird. "Removed" is a good phrase. It was thus Napoleon "removed" pictures from churches; it was thus he "removed" the Horses of St. Mark to the gate of the Tuileries. The thief of St. Thomas', however, betrays symptoms of pusillanimity that never disgraced the imperial robber. Our knave hints of "the anxiety" that has followed the transaction. It is clear there is a tender place in his conscience, as he plainly enough states that "it is the first time" he has had "to do with a church." Ha, this is it! He is but "young in crime." Had he only "removed" as many valuables from churches as certain French marshals, he would have shared with them their heroic freedom from all "anxiety" about the matter. To be sure the world, in its lamentable ignorance, entertains a different notion of the robber and the hero. To be able to lay hands upon church valuables by means of crow-bar, pick-axe, and lantern, is sacrilegious infamy—to take down pictures and carry off church-plate with beating drums and flying colors—that is a part and parcel of glory; one of the lawful sweets of soldiering. One act is rewarded with a rope, the other with a garland.

WAKLEY'S ADDRESS TO HIS PROFESSION.

Ye who have for Science bled,
Ye whom WAKLEY oft has led,
Who by Medicine earn your bread,
Or by Surgery:

Now 's the day and now 's the hour,
Don't you find your prospects low'r?
See approach gross Humbug's power;
GRAHAM and Quackery!

Who would be so green and base,
As to PARR to yield his case;
Or to HOLLOWAY give place?
Let his patients flee.

Who 's for Medicine's rights and claims?
Who will vote against SIR JAMES?
Who would "burke" that bill of GRAHAM's?
Large his practice be.

Down with our Profession's foe!
Tooth and nail against him go;
Quacks are floored at every blow,
At him, then, with me!

Carte d'un Restaurant. Londres, 1845.

The volume now before us, mentally speaking, is, in plain English, the bill of fare at a celebrated French eating-house at the West End, at which we dined the other day. We have no disposition to quarrel either with the contents of this book, or the matters which they relate to; but there is a certain addition which, we would suggest, might, and ought to be made to them. They require notes. It is true that opposite to the French list of dishes there is an English parallel; but this, in many instances, is no translation at all: and, even if it were, would be useless. What, for instance,

is the ordinary eater to understand by "*Côtelettes à la jardinière*,"—chops after the manner of the she-gardener. How is he to know the peculiarities of the she-gardener's chops! Among other items in this work there is an "*Epigramme d'agneau*;" but this, luckily, is translated, "breast of lamb;" otherwise it might be difficult to know whether the epigram was food for the mind or the body. Another dish is, "*Rognons sautés au vin de Champagne*"—kidneys stewed in Champagne; still great obscurity hangs over this stew. But what startled us most, was a viand called "*Charlotte Russe aux fraises*." "*Charlotte Russe*!" we exclaimed; "*Russian Charlotte*," "*aux fraises*," with strawberries! What dish is this!—Are we amongst cannibals, who, with her strawberries, will have us eat the strawberry girl! To know merely the English of these titles is unavailing; they are like portions of certain Greek choral odes, which we can translate, but cannot comprehend their translation. Let a full description of each dish be given in the margin, or at the foot of the page. At present we defy even a Templar to understand this book, unless he has eaten at least his three years' terms at Paris.

MR. CAUDLE HAS REMAINED DOWN STAIRS TILL
PAST ONE, WITH A FRIEND.

A pretty time of night to come to bed, Mr. Caudle. Ugh! As cold, too, as any ice. Enough to give any woman her death, I'm sure. What! I should n't have locked up the coals, indeed! If I had n't, I've no doubt the fellow would have staid all night. It's all very well for you, Mr. Caudle, to bring people home—but I wish you'd think first what's for supper. That beautiful leg of pork would have served for our dinner to-morrow—and now it's gone. I can't keep the house upon the money, and I won't pretend to do it, if you bring a mob of people every night to clear the cupboard.

"I wonder who'll be so ready to give you a supper when you want one; for want one you will, unless you change your plans. Don't tell me! I know I'm right. You'll first be eaten up, and then you'll be laughed at. I know the world. No, indeed, Mr. Caudle, I don't think ill of everybody; don't say that. But I can't see a leg of pork eaten up in that way, without asking myself what it's all to end in if such things go on! And then he must have pickles, too! Could n't be content with my cabbage—no, Mr. Caudle, I won't let you go to sleep. It's very well for you to say let you go to sleep, after you've kept me awake till this time. Why did I keep awake? How do you suppose I could go to sleep, when I knew that man was below drinking up your substance in brandy-and-water! for he could n't be content upon decent, wholesome gin. Upon my word, you ought to be a rich man, Mr. Caudle. You have such very fine friends. I wonder who gives you brandy when you go out!

"No, indeed, he could n't be content with my pickled cabbage—and I should like to know who makes better—but he must have walnuts. And you, too, like a fool—now, don't you think to stop me, Mr. Caudle; a poor woman may be trampled to death, and never say a word—you, too, like a fool—I wonder who'd do it for you—to insist upon the girl going out for pickled walnuts. And in such a night too! With snow upon the ground. Yes; you're a man of fine feelings, you are,

Mr. Caudle! but the world does n't know you as I know you—fine feelings, indeed! to send the poor girl out, when I told you and told your friend, too—a pretty brute he is, I'm sure—that the poor girl had got a cold and chilblains on her toes. But I know what will be the end of that; she'll be laid up, and we shall have a nice doctor's bill. And you'll pay it, I can tell you—for I won't.

"Wish you were out of the world! Oh! yes, that's all very easy, I'm sure I might wish it. Don't swear in that dreadful way! Ain't you afraid that the bed will open and swallow you! And don't swing about in that way. That will do no good. That won't bring back the leg of pork—and the brandy you've poured down both of your throats. Oh, I know it! I'm sure of it. I only recollected it when I'd got into bed—and if it had n't been so cold, you'd have seen me down stairs again, I can tell you—I recollected it, and a pretty two hours I've passed, that I left the key in the cupboard—and I knew it—I could see by the manner of you, when you came into the room—I know you've got at the other bottle. However, there's one comfort; you told me to send for the best brandy—the very best—for your other friend, who called last Wednesday. Ha! ha! It was British—the cheapest British—and nice and ill I hope the pair of you will be to-morrow.

"There's only the bare bone of the leg of pork: but you'll get nothing else for dinner, I can tell you. It's a dreadful thing that the poor children should go without—but, if they have such a father, they, poor things, must suffer for it.

"Nearly a whole leg of pork and a pint of brandy! A pint of brandy and a leg of pork. A leg of—leg—leg—pint—"

And mumbling the syllables, says Mr. Caudle's MS., she went to sleep.

THE THIRD CLASS TRAVELLER'S PETITION.

Pity the sorrows of a third class man,

Whose trembling limbs with snow are whitened
o'er,

Who for his fare has paid you all he can:

Cover him in, and let him freeze no more!

This dripping hat my roofless pen bespeaks,

So does the puddle reaching to my knees;

Behold my pinch'd red nose—my shrivell'd cheeks:

You should not have such carriages as these.

In vain I stamp to warm my aching feet,

I only paddle in a pool of slush;

My stiffen'd hands in vain I blow and beat;

Tears from my eyes congealing as they gush.

Keen blows the wind; the sleet comes pelting
down,

And here I'm standing in the open air!

Long is my dreary journey up to Town,

That is, alive, if ever I get there.

Oh! from the weather, when it snows and rains,

You might as well, at least, defend the poor;

It would not cost you much, with all your gains:

Cover us in, and luck attend your store.

BATHS FOR THE POOR.

We understand that some of the Railway Companies, desirous of carrying out the project for

supplying the poor with baths, have had their third-class carriages constructed so as to serve the double purpose of a locomotive and a washing-tub. They are supplied with water from the rain, which pours in upon all sides; and enough to constitute a bath is provided in a very few minutes, if the weather happens to be favorable to the benevolent object.

THE NEW TARIFF.

By the new Customs resolutions 430 articles are to be henceforth duty free. This sounds exceedingly well, but when we ask the child's question, whether Sir R. Peel's boon comprises "anything good to eat," we are bitterly disappointed at the reply which the list presents to us.

Among the articles that may henceforth be had cheap, there are at least half, that we, in our innocence, never heard of. The second thing upon the list is *Algnobilla*, which we shall be glad if any of our correspondents will favor us with a bit of—or a drop of—as the case may be, that we may ascertain how far the public will be likely to benefit by its coming in free of duty. The first really intelligible article we come to is *Arsenic*, of which there is already more than enough in this country; but as arsenic seems to be all the rage, the premier perhaps thought a spice of it would be well-timed at the present moment.

Beef-wood is a promising title, but we fear that beef-steaks, even as hard as a board, will not be let in free by the abandonment of the duty on beef-wood. If we cannot have the meat, however, we may be allowed the bones, for these are to be henceforth untaxed; and as the hoofs of cattle are also to be let in, an attempt may be made to get calf's-foot jelly for the million out of them.

Canella Alba, *Cinnabaris Nativa*, and *Divi Divi*, are also to come in duty free: but if we were to see a lot of stuff in a window, marked "*Divi Divi*," two-pence a pound, or a placard inscribed "New Tariff, the duty off *Cinnabaris Nativa*," we should be puzzled to know what to make of it. *Fustic* and *Ginseng* will doubtless be a boon to those who are fond of such things, though we confess we should not like to venture to take any; while our objections to *Eupherbium* and *Tragacanth* are equally insuperable.

The premier is particularly favorable to the poisoning interests, for he releases *Hellebore* as well as *Arsenic*; and *Ipecacuanha*, *Senna*, and *Jalap*, will also be let in: so that Sir R. Peel may exclaim literally, "Here's medicine for thy grief," when the poor man asks what the tariff will do for him.

We are to have iron in the pig, but whether a live pig with a ring run through his nose will be let in is doubtful. The leaves of roses are also to come in free; but perhaps there is some selfishness in this, for the premier would no doubt like to have a bed of them. Our eye was caught by the words, *goose undressed*; but on looking further we found it is the skin only of the foolish bird that we are to be treated to exempt from duty. In conclusion, we defy the most ingenious cook to hash up a dinner out of the whole 430 articles.

After exercising our culinary sagacity to the utmost extent, we find that the following is the best bill of fare we could make up from the list before us:—

FISH.—Whale fins of British taking.

SOUP.—Ox-tail, tanned, but not otherwise dressed.

GAME.—Singing birds.

MEATS.—Beef-wood, hoofs of cattle, lamb (skins,) dyed or colored, dressed in oil.

ENTREES.—Fricassee racoon, tiger en papillote.

PASTRY.—Sweet wood

CHEESE.—Bees'-wax.

DESSERT.—Nuts, kernels of walnuts, and of peach stones.

WINES AND LIQUEURS.—Antimony wine, senna, sanguis draconis, &c. &c.

The above is the best possible dinner that could be given under the New Tariff.

THE IMAGINATIVE CRISIS.

Oh! solitude, thou wonder-working fay,
Come, nurse my feeble fancy in your arms,
Though I and thee and fancy town-pent lay,
Come, call around a world of country charms,
Let all this room, these walls, dissolve away,
And bring me Surrey's fields to take their place;
This floor be grass, and draughts as breezes play;
Yon curtains trees, to wave in summer's face;
My ceiling, sky; my water-jug, a stream;
My bed, a bank, on which to muse and dream.
The spell is wrought: imagination swells
My sleeping-room to hills, and woods, and dells!
I walk abroad, for nought my footsteps hinder;
And fling my arms. Oh! mi! I've broke the
winder.

THE POPE.

The Pope he leads a happy life,
No contradiction knows, nor strife;
He rules the roast by right divine,
I would the Papal chair were mine!
But happy, now, I fear he's not,
Those Irish are a noisy lot;
And as with Dan he has to cope,
I think I'd rather not be Pope.

O'Connell better pleases me,
With all he will he maketh free;
He raises *rint* with wondrous skill;
Like him my pockets I would fill.
But even he, the great king Dan,
Is forced to sink the gentleman,
And bluster where repealers dine;
I would not change his lot for mine.

So here I'll take my lowly stand,
In what is called "this favored land;"
Put up with strife, if need be mine,
Nor at an empty purse repine.
But when my pocket's filled, with glee,
I'll dream that I O'Connell be:
And when their mouths repealers ope,
I'll thank my stars I'm not the Pope.

From Jerrold's Magazine.

CHAPTER V.

SHORT was the distance from Covent Garden Theatre to Covent Garden watch-house; and therefore in a few minutes was young St. Giles arraigned before the night-constable. Cesar Gum had followed the offender as an important witness against him; whilst Bright Jem and his wife certainly attended as sorrowing friends of the prisoner. Kitty Muggs was of the party; and her indignation at the wrong committed "on so blessed a baby"—we mean of course St. James—would have burst forth in loudest utterance had she not been controlled by the moral influence of Bright Jem. Hence, she had only the small satisfaction of declaring, in a low voice to her sister, "that the little wretch would be sure to be hanged—for he had the gibbet, every bit of it, in his countenance." With this consolation, she suffered herself to be somewhat tranquillized. "The Lord help him!" cried Mrs. Aniseed. "Well, you ought to be ashamed of yourself to say such a thing!" whispered Kitty Muggs.

Bright Jem was sad and silent. As Cesar, with unusual glibness, narrated the capture of the prisoner with the stolen property upon him, poor Jem, shading his eyes with his hand, looked mournfully at the pigmy culprit. Not a word did Jem utter; but the heart-ache spoke in his face.

"And what have you got to say to this?" asked the night-constable of St. Giles. "You're a young gallows-bird, you are; hardly out of the shell, yet. What have you got to say?"

"Why, I did n't take the at," answered young St. Giles, fixing his sharp black eyes full on the face of his interrogator, and speaking as though he repeated an old familiar lesson, "I did n't take it: the at rolled to me; and I thought as it had tumbled out of a coach as was going on, and I run after it, and calling out, if nobody had lost a at, when that black gentleman there laid hold on me, and said as how I stole it. How could I help it, if the at would roll to me? I did n't want the at."

"Ha!" said the constable, "there's a good deal of wickedness crammed into that little skin of yours—I shall lock you up. There—go in with you," and the constable pointed to a cell, the door of which was already opened for the reception of the prisoner.

And did young St. Giles quail or whimper at his prison threshold? Did his young heart sink at the gloomy dungeon? Oh no. Child as he was, it was plain he felt that he was acting a part: he had become in some way important, and he seemed resolved to rise with the occasion. He had listened to tales of felon fortitude, of gallows heroism; and ambition stirred within him. He had heard of the Tyburn humorist, who, with his miserable jest in the jaws of death, cast his shoes from the cart, to thwart an oft-told prophecy that he would die shod. All these stories St. Giles had listened to, and took to his heart as precious recollections. While other children had conned their books—and written maxim copies—and learned their catechism—St. Giles had learned this one thing—to be "game." His world—the world of Hog Lane had taught him that; he had listened to the counsel from lips with the bloom of Newgate on them. The foot-pad, the pickpocket, the burglar, had been his teachers: they had set

him copies, and he had written them in his brain for life-long wisdom. Other little boys had been taught to "love their neighbor as themselves." Now, the prime ruling lesson set to young St. Giles was "honor among thieves." Other boys might show rewarding medals—precious testimony of their schooltime work; young St. Giles knew nothing of these; had never heard of them; and yet unconsciously he showed what to him was best evidence of his worth: at the door of his cell, he showed that he was "game." Scarcely was he bidden to enter the dungeon, than he turned his face up to the constable, and his eyes twinkling and leering, and his little mouth quivering with scorn, he said—"You don't mean it, Mister; I know you don't mean it."

"Come, in with you, ragged and sarey!" cried the constable.

"Well, then," said the urchin, "here goes—good night to you," and so saying, he flung a summerset into the cell: the lock was turned, and Bright Jem—fetching a deep groan—quitted the watch-house, his wife, sobbing aloud, following him.

"What can they do to the poor child?" asked Mrs. Aniseed of Jem, as the next morning he sat silent and sorrowful, with his pipe in his mouth, looking at the fire.

"Why, Susan, that's what I was thinking of. What can they do with him? He isn't old enough to hang; but he's quite big enough to be whipped. Bridewell and whipping: yes, that's it, that's how they'll teach him. They'll make Jack Ketch his schoolmaster; and nicely he'll learn him his lesson towards Tyburn. The old story, Susan—the old story," and Jem drew a long sigh.

"Don't you think, Jem, something might be done to send him to sea? He'd get taken away from the bad people about him, and who knows, might after all turn out a bright man." Such was the hopeful faith of Mrs. Aniseed.

"Why, there's something in that to be sure. For my part, I think that's a good deal what the sea was made for—to take away the offal of the land. He might get cured at sea; if we could get anybody as would take him. I'm told the sea does wonders, sometimes, with the morals of folks. I've heard of thieves and rogues of all sorts, that were aboard ship, have come round 'straordinary. Now, whether it's in the salt water or the bo'swains, who shall say? He would n't make a bad drummer, neither, with them little quick fists of his, if we could get him in the army."

"Oh, I'd rather he was sent to sea, Jem," cried Mrs. Aniseed, "then he'd be out of harm's way."

"Oh, the army reforms all sorts of rogues, too," averred Jem. "Sometimes they get their morals pipeclayed, as well as their clothes. Wonderful what heroes are made of, sometimes. You see, I suppose, there's something in some parts of the trade that agrees with some folks. When they storm a town now, and take all they can lay their hands on, why there's all the pleasure of the robbery without any fear of the gallows. It's stealing made glorious with flags and drums. Nobody knows how that little varmint might get on."

Here Jem was interrupted by the sudden appearance of a woman hung with rags and looking prematurely old. Misery and vice were in her face, though the traces of evil were for the time

softened by sorrow. She was weeping bitterly, and with clasped trembling hands, ran into the room. It was the wretched mother of young St. Giles; the miserable woman who more than six years before had claimed her child in that room; who had borne her victim babe away to play its early part in wretchedness and deceit. She had since frequently met Jem, but always hurried from him. His reproofs, though brief, were too significant, too searching, for even her shame to encounter. "Oh, Jem! Jem!" she cried, "save my dear child—save my innocent lamb."

"Ha! and if he is n't innocent," cried Jem, "whose fault's that?"

"But he is—he is," screamed the woman. "You won't turn agin him, too? He steal anything! A precious cretur! he might be trusted with untold gold!"

"Woman," said Jem, "I would n't like to hurt you in your trouble; but have n't you no shame at all! Don't you know what a bit of truth is, that even now you should look in my face, and tell me such a wicked lie!"

"I don't, Jem—I don't," vociferated the woman. "He's as innocent as the babe unborn."

"Why, so he is, as far as he knows what's right and what's wrong. He has innocence; that is, the innocence you've taught him. Teach a child the way he should go," cried Jem, in a tone of some bitterness, "and you've taught him the way to Newgate. The Lord have mercy on you! What a sweet babby he was, when six year and a half ago you took him from this room—and what is he now? Well, well, I won't pour water on a drowned mouse," said Jem, the woman crying more vehemently at his rebuke, "but how you can look in that child's face, and arterwards look up at heaven, I don't know."

"There's no good, not a ha'porth in all this preaching. All we want to know is this. Can you help us to get the young 'un out o' trouble?" This reproof and interrogation were put in a hoarse, sawing voice by a man of about five-and-thirty, who had made his appearance shortly after St. Giles' mother. He was dressed in a coat of Newgate cut. His hat was knowingly slanted over one eyebrow, his hands were in his pockets, and at short intervals he sucked the stalk of a primrose that shone forth in strong relief from the black whiskers and week's beard surrounding it.

"And who are you?" asked Jem, in a tone not very encouraging of a gentle answer.

"That's a good 'un, not to know me. My name's Blast—Tom Blast; not ashamed of my name," said the owner, still champing the primrose.

"No, I dare say not," answered Bright Jem. "Oh, I know you now. I've seen you with the boy a singing ballads."

"I should think so. And what on it! No disgrace in that, eh! I look upon myself as respectable as any of your folks as sing at your fine play-house. What do you all pipe for but money? Only there's this difference; they gets hundreds of pounds—and I gets half-pence. A singer for money's a singer for money—whether he stands upon mud or a carpet. But all's one for that. What's to be done for the boy? I tell his mother here not to worry about it—it won't be more than a month or two at Bridewell, for he's never been nabbed afore: but it's no use a talking to women, you know; she won't make her life happy, no how. So we've come to you."

"And what can I do?" asked Jem—"I'm not judge and jury, am I?"

"Why, you know Capstick, the muffin-man. Well, he's a householder, and can put in a good word for the boy with the beak. I suppose you know what a beak is?" said Thomas Blast, with a satirical twist of the lip. "Not too fine a gentleman to know that?"

"Why, what does Capstick know of little St. Giles?" asked Jem.

"Oh, Jem," said the woman, "yesterday he stood his friend. He's a strange cretur, that Capstick; and often does a poor soul a good turn, as if he'd eat him up all the while. Well, yesterday arternoon, what does he do but give my precious child—my innocent babe—two dozen muffins, a basket and a bell."

"I see," cried Jem, with glistening eyes, "set him up in trade. God bless that muffin-man."

"That's what he meant, Jem; but it was n't to be—it was n't to be," cried the woman with a sigh.

"No—it warn't," corroborated Mr. Blast. "You see the young un—all agog as he was—brought the muffins to the lane. Well, we had n't had two dinners, I can tell you, yesterday; so we sells the basket and the bell for sixpenn'orth of butter, and did't we go to work at the muffins." And Mr. Blast seemingly spoke with a most satisfactory recollection of the banquet.

"And if they'd have pisoned all of you, served you right," cried Jem, with a look of disgust. "You *will* kill that child—you won't give him a chance—you will kill him body and soul."

"La, Jem! how can you go on in that way!" cried the mother, and began to weep anew. "He's the apple of my eye, is that dear child."

"None the better for that, by the look of 'em," said Jem. "Howsomever, I'll go to Mr. Capstick. Mind, I don't want neither of you at my heels; what I'll do—I'll do by myself," and without another word, Bright Jem took his cap, and, unceremoniously passing his visitors, quitted the room. His wife, looking coldly at the newcomers, intimated a silent wish that they would follow him. The look was lost upon Mr. Blast, for he immediately seated himself; and seizing the poker, with easiest familiarity beat about the embers. Mrs. Aniseed was a heroic woman. Nobody who looked at her, whilst her visitor rudely disturbed her coals, could fail to perceive the struggle that went on within her. There are housewives whose very heartstrings seem connected with their pokers; and Mrs. Aniseed was of them. Hence, whilst her visitor beat about the grate, it was at once a hard and delicate task for her not to spring upon him, and wrest the poker from his hand. She knew it not, but at that moment the gentle spirit of Bright Jem was working in her; subduing her aroused passion with a sense of hospitality.

"A sharp spring this, for poor people, is n't it, Mrs. Aniseed?" observed Mr. Blast. "It seems quite the tail of a hard winter, does n't it?" Mrs. Aniseed tried to smile a smile—she only shivered it. "Well, I must turn out, I 'spose; though I have n't nothing to do till night—then I think I shall try another murder: it's a long while since we've had one."

"A matter of two months," said the mother of St. Giles, "and that turned out no great things."

"Try a murder," said Mrs. Aniseed with some apprehension, "what do you mean?"

"Oh, there 'll be no blood spilt," answered Mr. Blast, "only a bit of Grub-street, that's all. But I don't know what's come to the people. They don't snap as they used to do. Why, there's that Horrible and Particular Account of a Bear that was fed upon young Children in Westminster: I've known the time when I've sold fifty of 'em afore I'd blowed my horn a dozen times. Then there was that story of the Lady of Fortin that had left Twins in the Cradle, and run off with her Husband's Coachman—that was a sure crown for a night's work. Only a week ago it did n't bring me a groat. I don't know how it is; people get sharper and sharper, as they get wickeder and wickeder."

"And you don't think it no harm, then," said Mrs. Aniseed, "to make bread of such lies?"

"What does it signify, Mrs. Aniseed, what your bread's made of, so as it's a good color, and plenty of it! Lord bless you; if you was to take away all the lies that go to make bread in this town, you'd bring a good many peek loaves down to crumbs, you would. What's the difference between me and some folks in some newspapers? Why this: I sells my lies myself, and they sell 'em by other people. But I say, Mrs. Aniseed, it is cold is n't it?"

Mrs. Aniseed immediately jumped at the subtle purpose of the question; and curtly, frozenly replied—"It is."

"A drop o' something would n't be bad such a mornin as this, would it?" asked the unabashed guest.

"La! Tom," cried St. Giles' mother, in a half-tone of astonishment and deprecation.

"I can't say," said Mrs. Aniseed; "but it might be for them as like it. I should suppose, though, that this woman—if she's got anything of a mother's heart in her—is thinking of something else, a good deal more precious than drink."

"You may say that," said the woman, lifting her apron to her unwet eye.

"And there's a good soul, do—do when you get the dear child home again—do keep him out of the streets; and don't let him go about singing of ballads, and"—

"That's all mighty fine, Mrs. Aniseed," said Mr. Blast, who, foiled in his drink, became suddenly independent in his language—"all mighty fine; but, after all, I should think singing ballads a little more genteel than bawling for coaches, and making dirty money out of fogs, and pitch and oakum. A ballad-singer may hold his head up with a linkman any day—and so you may tell Jem, when you see him. Come along," and Mr. Blast twitched the woman by the arm—"come along: there's nothing to be got here but preaching—and that will come in time to all of us."

"Don't mind what he says," whispered St. Giles' mother to Mrs. Aniseed, "he's a good cretur, and means nothing. And oh, Mrs. Aniseed, do all you can with Mr. Capstick for my innocent babe, and I shan't say my prayers without blessing you." With this, the unwelcome visitors departed.

We must now follow Bright Jem to the house of the muffin-man. Jem has already told his errand to Mr. Capstick; who, with evident sorrow and disappointment at his heart, is endeavoring to look like a man not at all surprised by the story related to him. Oh dear, no! he had quite expected it. "As for what I did, Mr. Aniseed"—said Capstick—"I did it with my eyes open. I

knew the little vagabond was a lost wretch—I could read that in his face; and then the muffins were somewhat stale muffins—so don't think I was tricked. No: I looked upon it as something less than a forlorn hope, and I won't flatter myself; but you see I was not mistaken. Nevertheless, Mr. Aniseed, say nothing of the matter to my wife. She said—not knowing my thoughts on the business—she said I was a fool for what I did: so don't let her know what's happened. When women find out they're right, it makes 'em conceited. The little ruffian!" cried Capstick with bitterness—"to go stealing when the muffins might have made a man of him."

"Still, Mr. Capstick," urged Jem, "there's something to be said for the poor child. His mother and the bad uns in Hog Lane would n't let him have a chance. For when St. Giles ran home—what a place to call home!—they seized upon the muffins, and turned the bell and basket into butter, swallowed 'em without so much as winking."

"Miserable little boy!" exclaimed the softened Capstick—and then he groaned, "Wicked wretches!"

"That's true again," said Jem; "and yet hunger hardly knows right from wrong, Mr. Capstick."

Capstick made no answer to this, but looking in Jem's face, drew a long breath.

"And about the boy?" said Jem, "he's but a chick, is he, to go to gaol?"

"It's no use—it's all no use, Mr. Aniseed; we're only throwing away heaven's time upon the matter; for if the little rascal was hanged at once—to be sure, he is a little young for that—nevertheless I was about to say"—and here the muffin-man, losing the thread of his thoughts, twitched his cap from his head, and passed it from right hand to left, and from left to right, as though he sought in such exercise to come plump again upon the escaped idea—"I have it," at length he cried. "I was about to say, as I've an idle hour on hand, I'll walk with you to Lord St. James, and we'll talk to him about the matter."

Now Bright Jem believed this of himself; that in a good cause he would not hesitate—at least not much—to speak to his majesty, though in his royal robes and with his royal crown upon his head. Nevertheless, the ease, the perfect self-possession, with which Capstick suggested a call upon the Marquess of St. James obtained for him a sudden respect from the linkman. To be sure, as we have before indicated, there was something strange about Capstick. His neighbors had clothed him with a sort of mystery; hence, on second thoughts, Bright Jem believed it possible that in happier days the muffin-man might have talked to marquesses.

"Yes," said Capstick, taking off his apron, "we'll see what can be done with his lordship. I'll just whip on my coat of audience, and—hush!—my wife," and Mrs. Capstick stirred in the back parlor. "Not a word where we're going. Not that I care a straw; only she'd say I was neglecting the shop for a pack of vagabonds: and perhaps she's right, though I would n't own it. Never own a woman's right: do it once, and on the very conceit of it, she'll be wrong for the rest of her life." With this apothegm, the muffin-maker quitted the shop, and immediately his wife entered it.

"Glad to see your sister looking so well, Mr. Aniseed," said Mrs. Capstick, somewhat slyly.

"Oh! what, you mean Kitty? Why, she looks as well as she can, and that isn't much, poor soul," said Jem.

"She was here yesterday, and bought some muffins. A dark gentleman was with her," said Mrs. Capstick.

"You mean the black footman," observed Jem, dropping at once to the cold, hard truth.

"Well," and Mrs. Capstick giggled, as though communicating a great moral discovery, "well, there's no accounting for taste, is there, Mr. Aniseed?"

"No," said Jem, "it was never meant to be accounted for, I suppose; else there's a lot of us would have a good deal to answer for. Taste, in some things, I suppose was given us to do what we like with; but, Mrs. Capstick, now and then we do sartinly abuse the privilege."

"Lor, Mr. Capstick! where are you going so fine?" asked his spouse of the muffin-maker, as he presented himself in his best coat, and swathed in a very voluminous neckcloth. "Going to court?"

"You see," said Capstick, "a man—a wretch, a perjurer is to-day put in the pillory."

"And what's that to you, Mr. Capstick?" asked his wife.

"Why, Mary Anne, as a moral man—and, therefore, as a man who respects his oath, I feel it my duty to go and enjoy my egg." With this excuse—worthy of a Timon—did the muffin-maker take his way towards the mansion of Lord St. James. "It's a hard thing," said Capstick on the road, "a hard thing, that you can't always tell a wife the truth."

"I always tell it to my old woman," observed Bright Jem.

"You're a fortunate man sir," said Capstick. "All women can't bear it: it's too strong for 'em. Now, Mrs. Capstick is an admirable person—a treasure of a wife—never know what it is to want a button to my shirt, never—still, I am now and then obliged to sacrifice truth on the altar of conjugal peace. It makes my heart bleed to do it, Mr. Aniseed; but sometimes it is done."

Bright Jem nodded as a man will nod who thinks he catches a meaning, but is not too sure of it. "And what will you say?" asked Jem, after a moment's pause—"what will you say to his lordship, if he'll see you?"

Mr. Capstick cast a cold, self-complacent eye upon the linkman, and replied—"I shall trust to my inspiration." Jem softly whistled—unconscious of the act. Mr. Capstick heard, what he deemed a severe comment, and majestically continued: "Mr. Aniseed, you may not imagine it—but I have a great eye for gingerbread."

"No doubt on it, Mr. Capstick," said Jem, "it's a part of your business."

"You don't understand me," replied the muffin-maker with a compassionate smile. "I mean, my good man, the gingerbread that makes up so much of this world. Bless your heart! I pride myself upon my eye, that looks at once through all the gilding—all the tawdry, glittering Dutch metal—that covers the cake, and goes at once to the flour and water."

"I don't see what you mean, by no means," said Jem; "that is, not quite."

"Look here, sir," said Capstick, with the air of a man who had made himself up for an oration. "What is that pile of brick before us?"

"Why, that you know as well as I," answered Jem; "it's St. James' Palace."

"And there lives his gracious Majesty, George the Third. Now, I dare say, Mr. Aniseed, it's very difficult for you to look upon his Majesty in what I shall beg leave to call, a state of nature?"

"What! like an Injun?" asked Jem. "Well, I must say, I can hardly fancy it."

"Of course not. When you hear of a king, he comes upon you in velvet and fur, and with a crown upon his head—and diamonds blazing upon him—and God knows how many rows of lords about him—and then all the household guards—and the state coach—and the state trumpets, and the thundering guns, and the ringing bells—all come upon your mind as a piece and parcel of him, making a king something tremendous to consider—something that you can only think of with a kind of fright. Is it not so?" asked the muffin-maker.

Jem merely answered—"Go on, Mr. Capstick."

"Now I feel nothing of the sort. I know the world, and despise it," said the muffin-maker.

"I'll take your word for anything but that," cried Jem. "But go on."

"I tell you, sir, I hate the world," repeated Capstick, proud of what he thought his misanthropy: "and of sweet use has such hatred been to me."

Bright Jem cast an incredulous leer at the muffin-man. "I never heard of the sweetness of hatred afore. I should as soon looked for honey in a wasp's nest."

"Ha! Jem, you know nothing; else you'd know how a contempt for the world sharpens a man's wits, and improves his eyesight. Bless you! there are a thousand cracks and flaws and fly-spots upon everything about us, that we should never see without it," said Capstick.

"Well, thank God! I'm in no need of such spectacles," said Bright Jem.

"And for that very reason, Jem," said the muffin-maker, "you are made an every-day victim of—for that reason your very soul goes down upon its knees to things that it's my especial comfort to despise. You have n't the wit, the judgment, to separate a man from all his worldly advantages, and look at him, as I may say, in his very nakedness—a mere man. Now, Jem, that is the power I especially pride myself upon. Hence," continued the muffin-maker—and he brought himself up fronting the palace, and extended his right arm towards it—"hence, I can take an emperor from his crowd of nobles—his troops—his palace walls—his royal robes, and set him before me just as God made him. As I'd take a cocoa-nut, and tear away the husk, and crack the shell, and pare the inner rind, and come at once upon the naked kernel, so, Mr. Aniseed, can I take—aye the Great Mogul—and set him in his shivering flesh before me."

"And you think the knack to do this does you good?" modestly inquired Bright Jem.

"It's my solace, my comfort, my strength," answered the muffin-maker. "And this knack, as you have it, is what I call seeing through the gold upon the gingerbread. Now, is n't it dreadful to think of the thousands upon thousands who every day go down upon their knees to it, believing the gilded paste so much solid metal? Ha! Mr. Aniseed! we talk a good deal about the

miserable heathen; the poor wretches who make idols of crocodiles and monkeys—but Lord bless us! only to think in this famous city of London of the thousands of Christians, as they call themselves, who after all are idolaters of gilt gingerbread!"

"Poor souls!" said Jem, in the fulness of his charity, "they don't know any better. But you have n't answered what I asked; and that's this! What will you say to his lordship if he'll see you?"

"Say to him! I shall talk reason to him. Bless you! I shall go straight at the matter. When some folks go to speak to rich and mighty lords, they fluster, and stammer, as if they could n't make themselves believe that they only look upon a man made like themselves; no, they somehow mix him up with his lands and his castles, and his heaps of money, and the thought's too big for 'em to bear. But I will conclude as I began, Mr. Aniseed. Therefore I say I have a great eye for gilt gingerbread."

This philosophical discourse brought the talkers to their destination. Jem stooped before the kitchen-windows, prying curiously through them. "What seek you there, Jem?" asked Capstick.

"I was thinking," answered Jem, "if I could only see Kitty, we might go in through the kitchen."

Mr. Capstick made no answer, but looking a lofty reproof at Jem, he took two strides to the door, and seizing the knocker, struck it with an assertion of awakened dignity. "Through the hall, Mr. Aniseed; through the hall; no area-stairs influence for me." As he made this proud declaration, the door was opened; and to the astonishment of the porter, the muffin-maker, asked coolly as though he was cheapening pippins at an apple-stall—"Can we see the marquess?"

The porter had evidently a turn for humor: he was not one of those janitors who, seated in their leathern chairs, resent every knock at the door as a violation of their peace and comfort. Therefore, curling the corners of his mouth, he asked in a tone of comic remonstrance—"Now what do you want with the marquess?"

"That the marquess shall be benefited by knowing," answered Capstick. "There is my name;" and the muffin-maker, with increasing dignity, handed his shop-card to the porter.

"It's no use," said the porter, shaking his head at the card, "not a bit of use. We don't eat muffins here."

At this moment, Cesar Gum, the African footman, appeared in the hall, and with greatest cordiality welcomed Bright Jem. "Come to see Kitty!—she delight to see you—come down stairs."

"Will you take this to the marquess?" and twitching his card from the porter's fingers, Capstick gave it to Cesar. The black felt every disposition to oblige the friend of Kitty's brother, but raised his hands and shook his head with a hopeless shake. "Stop," said Capstick. He took the card, and wrote some words on the back of it. He then returned it to the porter.

"Oh!" cried the porter, when he had read the mystic syllables, "Cesar, I s'pose you must take it," and Cesar departed on the errand.

CHAPTER VI.

Now, we hope that we have sufficiently inter-

ested the reader, to make him wish to know the precise magic words which, operating on the quickened sense of a nobleman's porter, caused him suddenly to put a marquess and a muffin-maker in mutual communication. What Open Sesame could it be, that written by a St. Giles, should be worthy of the attention of St. James? Great is the power of letters! Whirlwinds have been let loose—fevers quenched, and Death himself made to drop his uplifted dart—by the subtle magic of some brief *lex scripta*, some *abracadabra* that held in the fluid some wondrous spirits, always to be found like motes in the sunbeams, in a magician's ink-bottle. Mighty is the power of words! Wondrous their agency—their volatility. Otherwise how could Pythagoras, writing words in bean-juice here upon the earth, have had the self-same syllables printed upon the moon? What a great human grief it is that this secret should have been lost! Otherwise what glorious means of publication would the moon have offered! Let us imagine the news of the day for the whole world written by certain scribes on the next night's moon—when she shone! What a blessed boon to the telescope-makers! How we should at once jump at all foreign news! What a hopeless jargon of blood and freedom would the Magi of Spain write upon the planet! How would the big-hearted men of America thereon publish their price-current of slaves—the new rate of the *pecunia viva*, the living penny in God's likeness—as the market varied! And France, too, would sometimes with bloody pen write glory there, obscuring for a time the light of heaven, with the madness of man. And Poland, pale with agony, yet desperately calm, would write—"Patience, and wait the hour." And the scribes of St. Petersburg would placard "God and the Emperor"—blasphemous conjunction!—And the old Pope would have his scrawl—and Indian princes, and half-plucked nabobs—and Chinamen—and Laplanders and the Great Turk—and—

No—no! Thank Heaven! the secret of Pythagoras—if indeed he ever had it, if he told not a magnificent flam—is lost; otherwise, what a poor scribbled moon it would be; its face wrinkled and scarred by thousands of quills—tattooed with what was once news—printed with playhouse bills and testimonials gracefully vouchsafed to corn-cutters! No. Thank God! Pythagoras safely dead, there is no man left to scrawl his pot-hooks on the moon. Her light—like too oft the light of truth—is not darkened by quills.

And after this broomstick flight to the moon, descend we to the card of Capstick, muffin-maker. The words he wrote were simply these—"A native of Liguorish, with a vote for the borough."

Now, it is one of the graceful fictions of the English constitution—and many of its fictions no doubt pass for its best beauties, in the like manner that the fiction of false hair, false color, false teeth, passes sometimes for the best loveliness of a tinkered face—it is one of these fictions that the English peer never meddles with the making of a member of the house of commons. Not he. Let the country make its lower house of senators as it best may, the English peer will have no hand in the matter. He would as soon, in his daily walks, think of lifting a load upon a porter's back, as of helping to lift a commoner into his seat. We say, this is a fiction of the constitution; and beautiful in its influence upon the human mind, is fiction. Now, the Marquess of St. James

had in his father's lifetime represented the borough of Liquorish. He was returned by at least a hundred and fifty voters as independent as their very limited number permitted them to be. The calumny of politics had said that the house of St. James carried the borough of Liquorish in its pocket, as easily as a man might in the same place carry a rotten apple or a rotten egg. Let the reader believe only as much of this as his charity will permit him.

Now it oddly enough happened that, at the time when Capstick sought to approach the marquess, parliament was near its dissolution. The wicked old hag was all but breathing her last, yet—case-hardened old sinner!—she expressed no contrition, showed no touch of conscience for her past life of iniquity; for her wrongs she had committed upon the weak and poor; for the nightly robberies upon them who toiled for the especial luxury of those who, like the tenants of a cheese, lived and crawled upon unearned pensions; she repented not of the blood she had shed in the wickedness of war; never called about her soft-hearted, tearful, most orthodox bishops, to assuage the agony of her remorse, and to cause her to make a clean breast of all her hidden iniquity. No. Parliament was about to expire—about to follow her sinful predecessors (what horrid epitaphs has history written upon some of them!) and she heard no voice of conscience; all she heard was the chink of guineas pursed by bribery for her successor.

Even the marquess' porter felt the coming of the new election. His fidelity to his master and his patriotism to merry England had been touched by a report that the borough of Liquorish was about to be invaded by some revolutionary spirit, resolved to snatch it from the time-honored grasp of the house of St. James, and—at any cost—to wash it of the stain of bribery. Somebody had dared to say that he would sit for the independent borough of Liquorish if every voter in it had a gold watch, and every voter's wife a silver tea-pot and diamond ear-rings. This intelligence was enough to make all true lovers of their country look about them. Therefore did the porter consider Mr. Capstick—although a muffin-man—a person of some importance to the marquess. Capstick was a voter for the borough of Liquorish—that was bought and sold like any medal—and therefore, to the mind of the porter, one of the essential parts of the British constitution: hence, the porter was by no means astounded when Cesar returned with a message that Mr. Capstick was to follow him.

The muffin-maker passed along, in no way dazzled or astonished by the magnificence about him. He had made his mind up to be surprised at nothing. Arabian splendors—it was his belief—would have failed to disturb the philosophic serenity of his soul. He had determined, according to his own theory, to extract the man from the marquess—to come, as he would say, direct at humanity divested of all its worldly furniture. Bright Jem meekly followed the misanthrope, treading the floor with gentlest tread; and wondering at the freak of fortune that even for a moment had enabled him, a tenant of Short's Gardens, to enter such an abode. Bright Jem could not help feeling this, and at the same time feeling a sort of shame at the unexpected weakness. He had believed himself proof to the influence of grandeur nevertheless, he could not help it; he

was somewhat abashed, a little flurried at the splendor around him. He was not ashamed of his poverty; yet he somehow felt that it had no business intruding in such a paradise.

In a few moments, the muffin-maker and Jem found themselves in a magnificent library. Seated at a table was a short, elderly little man, dressed in black. His face was round as an apple. He had small, sharp, grey eyes, which for a few moments he levelled steadily at Capstick and Jem, and then suddenly shifted them in a way that declared all the innermost and dearest thoughts of the muffin-maker to be, in that glance, read and duly registered. "Pray be seated," said the gentleman; and Capstick heavily dropped himself into a velvet chair. Bright Jem, on the contrary, settled upon the seat lightly as a butterfly upon a damask rose: and like the butterfly, it seemed doubtful with him, whether every moment he would not flutter off again. Capstick at once concluded that he was in the presence of the marquess. Jem knew better, having seen the nobleman; but thought possibly it might be some earl or duke, a friend or relation of the family. However, both of them augured well of their mission, from the easy, half-cordial manner of the illustrious gentleman in black. His words, too, were low and soft, as though breathed by a flute. He seemed the personification of gentleness and politeness. Nevertheless, reader, he was not of the peerage: being, indeed, nothing more than Mr. Jonathan Folder, librarian—and at times confidential agent—to the Marquess of St. James. He had just received the orders of his lordship to give audience on his behalf, to what might be an important deputation from the borough of Liquorish: hence, Mr. Folder, alive to the patriotic interest of his employer and friend—as, occasionally, he would venture to call the Marquess—was smiling and benignant.

"Mr. Capstick—I presume *you* are Mr. Capstick"—and Mr. Folder with his usual sagacity, bowed to the muffin-maker—"we are glad to see you. This house is always open to the excellent, and patriotic voters of Liquorish. There never was a time, Mr. Capstick, when it more behoved the friends of the constitution to have their eyes about them. The British constitution—"

"There is no constitution like it," observed the muffin-maker drily.

"That's an old truth, Mr. Capstick"—said Mr. Folder—"and, like all old truths, all the better for its age."

"No constitution like it," repeated the muffin-maker. "I don't know how many times it has n't been destroyed since I first knew it—and still it's all alive. The British constitution, my lord, sometimes seems to me very like an eel; you may flay it and chop it to bits; yet all for that, the pieces will twist and wriggle again."

"It is one of its proud attributes, Mr. Capstick"—said Folder; doubtless he had not heard himself addressed as my lord—"one of the glories of the constitution, that it is elastic—peculiarly elastic."

"And that's, I suppose, my lord"—surely Mr. Folder was a little deaf—"that's why it gets mauled about so much. Just as boys don't mind what tricks they play upon cats—because, poor devils, somebody to spite 'em, has said they've got nine lives. But I beg your pardon, this is my friend—Mr. James Aniseed, better known as Bright Jem," and Capstick introduced the link-man.

Mr. Folder slightly rose from his chair, and graciously bowed to Jem; who, touched by the courtesy, rose bolt upright; and then, after a moment's hesitation, he took half-a-dozen strides towards Mr. Folder, and—ere that gentleman was aware of the design—shook him heartily by the hand. Then, Jem, smiling and a little flushed, returned to his chair. Again taking his seat, he looked about him with a brightened, happy face, for Mr. Folder—the probable nobleman—had returned the linkman's grasp with a most cordial pressure.

"And, Mr. Aniseed," said Folder, "I presume you have also a voice in the constitution; you have a vote for—"

"Not a morsel, my lord," answered Jem. "I have n't a voice in anything; all I know about the constitution is that it means taxes; for you see, my lord, I've only one room and that's a little un—and so, you see, my lord, I've no right to nothing." Whilst Jem pursued this declaration, Mr. Folder, doubtless all unconsciously, rubbed his right hand with his handkerchief. The member might, possibly, have caught some taint from the shake of a low man without a vote.

"Nevertheless, Mr. Capstick, we are happy to see you," said Folder, with a strong emphasis upon the pronoun. "Public morality—I mean the morality of the other party—is getting lower and lower. In fact, I should say, the world—that is, you know what part of the world I mean—is becoming worse and worse, baser and baser."

"There is no doubt of it, my lord," answered Capstick—"for if your lordship—"

Capstick had become too emphatic. It was therefore necessary that Folder should correct him. "I am not his lordship. No, I am not," he repeated, not unobservant of the arched eyebrows of the muffin-maker—"I am deputed by his lordship to receive you, prepared to listen to your wishes, or to the wishes of any of the respectable constituents of the borough of Liquorish. We are not unaware, Mr. Capstick, of the movements of the enemy. But we shall be provided against them. They, doubtless, will be prepared to tamper with the independence of the electors, but as I have said"—and Folder let his words fall slowly as though they were so many gems—"as I have said, there we can beat them on their own dirty grounds."

"There is no doubt whatever of it," said Capstick, "none at all. And then in these matters, there's nothing like competition—nothing whatever. For my part, I must say, I like to see it—it does me good—an election, such an election as we have in Liquorish, is a noble sight for a man who, like myself, was born to sneer at the world. At such a time, I feel myself exalted."

"No doubt—no doubt"—said Mr. Folder.

"Then I feel my worth, every penny of it, in what is called the social scale. For instance, now, I open the shop of my conscience, with the pride of a tradesman who knows he's got something in his window that people *must* buy. I have a handsome piece of perjury to dispose of—"

"Mr. Capstick! Perjury!" cried Folder a little shocked.

"Why, you see, sir," said Capstick, "for most things, there's two names—a holyday name, and a working-day name."

"That's true," said Jem—and then he added with a bow to Folder, "saving your presence, sir; quite true."

"Yes I'm a voter with a perjury jewel to sell"—said Capstick—"and therefore is n't it delightful to me, as a man who hates the world, to have fine gentlemen, honorable gentlemen, yes titled gentlemen, coming about me and chaffering with me for that little jewel—that when they've bought it of me, they may sell it again at a thumping profit! The marquess is n't that sort of man—"

"I should hope not, Mr. Capstick," said Folder, with a smile that seemed to add—impossible.

"Certainly not. But is n't it, I say, pleasant to a man-hater like me, to see this sort of dealing—to know that, however mean, and wicked, and rascally, the voter is who sells his jewel—he is taught the meanness, encouraged in the wickedness, and more than countenanced in the rascality, by the high and lofty fellow with the money-bag. Oh! at the school of corruption, ar n't there some nice high-nob ushers?"

"Never mind that, Mr. Capstick," said Bright Jem, who began to fear for the success of their mission, if the muffin-maker thus continued to vindicate his misanthropy. "Never mind that. We can't make a sore any better by putting a plaster of bad words to it: never mind that;—but Mr. Capstick," said Jem earnestly, "let's mind something else."

"Then I am to understand," said Mr. Folder, who in his philosophy had been somewhat entertained by the philippics of the muffin-maker—"I am to understand, that your present business in no way relates to anything connected with the borough?"

"Not at present," said Capstick, "only I hope that his lordship won't forget I have a voice. Because—"

At this moment, the door flew open, and a child—a beautiful creature—gambolled into the room. It was young St. James. The very cherub, as Kitty Muggs would have called him, robbed by the iniquitous, the hopeless St. Giles. Truly he was a lovely thing. His fair, fresh young face—informed with the innocence, purity, and happiness of childhood—spoke at once to the heart of the beholder. What guilelessness was in his large blue eyes—what sweetness at his mouth—what a fair, white expanse of brow—adorned with clustering curls of palest gold! His words and laughter came bubbling from the heart, making the sweetest music of the earth; the voice of happy childhood! A sound that sometimes calls us from the hard dealing, the tumult, and the weariness of the world—and touches us with tender thoughts, allied to tender tears.

"What a beautiful cretur!" whispered Jem to the muffin-maker. "He's been kept out of the mud of the world, has n't he? I say; it would be a hard job to suppose that blooming little fellow—with rags on his back, matches in his hand, and nothin' in his belly, eh? Quite as hard as to think young St. Giles was him, eh? And yet it might ha' been—might n't it?"

"Here is the future member for Liquorish," said Mr. Folder, the child having run up to him, and jumping upon his knees. "Here, sir, is your future representative."

"Well, if he keeps his looks," said Jem aside to Capstick, "you won't have nothing to complain."

"Of course, the borough will be kept warm for the young gentleman," said the muffin-man. "He may count upon my vote—yes, I may say, he may depend upon it. In the mean time, sir, I

come upon a little business in which that young gentleman is remotely concerned."

"You don't mean the shameful robbery last night!" said Mr. Folder. "A frightful case of juvenile depravity! Another proof that the world's getting worse and worse."

"No doubt of it," said Capstick, "worse and worse; it's getting so bad, it must soon be time to burn it up."

"The poor little boy who did it, sir," said Bright Jem, very deferentially, "did n't know any better."

"Know no better! Impossible! Why, how old is he?" asked Mr. Folder.

"Jist gone seven, sir, not more;" answered Jem.

"And here's this dear child not yet seven! And do you mean to tell me that he does n't know better? Do you mean in your ignorance to insinuate that this young gentleman would do such a thing—eh?" cried Folder of the abashed linkman.

"Bless his dear, good eyes, no!"—said Jem, with some emotion—"sartinly not. But then he's been taught better. Ever since he could speak—and I dare say almost afore—every night and day he was taken upon somebody's knees, and taught to say his prayers—and what was good and what was bad—and besides that, to have all that was quiet and happy and comfortable about him—and kind words and kind looks that are almost better than bread and meat to children—for they make 'em kind and gentle too—now, the poor little boy that stole that young gentleman's hat—"

"I don't want the hat!"—cried the child, for he had heard the story of the wicked boy at the playhouse—"I don't want it—he may have it if he likes—I told papa so."

"Bless you, for a sweet little dear," said Jem, brushing his eyes.

"The truth is, sir, I came here," said Capstick, "I came as a voter for the independent borough of Liquorish—to intercede with the magnanimity of the marquess for the poor little wretch—the unhappy baby, for he's no more—now locked up for felony."

"What's the use?" asked Mr. Folder, dancing the scion of St. James upon his knee—"what's the use of doing anything for such creatures? It's only throwing pity away. The boy is sure to be hanged some time—depend upon it, when boys begin to steal, they can't leave it off—it's impossible—it's against nature to expect it. I always give 'em up from the first—and, depend upon it, it's the shortest way in the end; it saves a good deal of useless trouble, and I may say false humanity. As for what children are taught, and what they're not taught—why, I think we make more noise about it than the argument's worth. You see, Mr. Capstick, there is an old proverb: what's bred in the bone, you know—"

"Why, sir, saving your presence, if wickedness goes down from father to son, like color—the only way I see to make the world better is to lay hold of all the bad people, and put 'em out of it at once; so that for the future," concluded Jem, "we should breed nothing but goodness."

"Pray, my good man!"—asked Mr. Folder—"are you the father of the thief?"

"No, sir, I'm not. I wish I was, with all my heart and soul," cried Jem with animation.

"Humph, you've an odd taste for a father," shortly observed Mr. Folder.

"What I mean, sir, is this," said Jem. "I've

the conceit in me to think that then the boy would n't have been a thief at all. He'd then been better taught, and teaching's everything. I'd have sent him to school, and the devil has n't such an enemy nowhere as a good schoolmaster.* Even now I should like to try my hand upon him, if I could have him all to myself, away from the wickedness he was hatched in."

"I dare say you mean very well, my man, no doubt of it," said Mr. Folder. "Still, I think, the boy had a little taste of the jail—"

"A little taste," groaned Jem, "if he has ever so little, he's pisoned for life; I know that, I've seen it afore."

"And so, sir," resumed Capstick, "I am come as a petitioner, and as a voter for the borough of Liquorish, to ask his lordship's compassion upon this wretched child."

"Well, I'm sure, Mr. Capstick, I'll see what's to be done, I'm sure I will. Now will you,"—and Mr. Folder addressed himself smilingly to the child—"will you ask papa, for your sake, to forgive the naughty boy that run away with your hat?"

"Oh, yes, that I will," answered the child eagerly. "You know I don't care about the hat—I've plenty of hats. I'll run to papa now," and the child jumped from Folder's knee, and bounded from the room.

"There, my man," said Folder, with a smile of triumph to Bright Jem, "there you see the spontaneous work of a good nature."

"With good teaching," said Jem. "I know'd the little cretur that's now locked up—I knowed him when he was a babby, and if he'd only had fair play he'd ha' done the same thing."

"Let us hope he'll improve if he's forgiven," said Mr. Folder. "I will, however, go to his lordship, and know his fate." With this, Folder quitted the apartment on his benevolent mission.

"What a capital thought it was of you, Mr. Capstick, to come here—it had never entered my head," said Jem.

"Nothing like approaching the fountain source," said Capstick, serenely. "Besides, I know an election is near at hand; and as an election approaches, you can't think how it takes the stiffness out of some people. There's no accounting for it, I suppose, but so it is."

"A great many books here, Mr. Capstick"—said Jem, looking reverentially at the loaded shelves—"I wonder if his lordship's read 'em all."

"Humph," answered the scoffing muffin-maker, "it's not so necessary to read a library; the great matter's to get it. With a good many folks heaps of books are nothing more than heaps of acquaintance, that they promise themselves to look in upon some day."

"Well," said Jem, his eyes glistening, "I never see books all in this fashion, without think-

* I will not say a village schoolmaster is a more important person in the state than he who is peculiarly entrusted with the education of the Prince of Wales, though I think he is a far more important personage than the highest state officer in the king's household. The material he has to deal with is man, and I think it would be rather rash to venture to limit his range or capacities.—*Lord Morpeth at the York Diocesan National Education Society.* [Had a plebeian enunciated this great truth, he would, from certain quarters, have been pelted with the sounding yet harmless epithets of demagogue and revolutionist. Here, however, it is an English nobleman who places a village schoolmaster above a royal chamberlain. All honor to such nobility!]

ing that the man as has 'em is a kind of happy conjuror, that can talk when he likes with all sorts of good spirits, and never think a flea-bite of half the rubbish in the world about him."

Jem had scarcely uttered this hopeful sentence, when young St. James ran in, quickly followed by Mr. Folder. "Yes, yes," cried the child, all happiness, "papa says I must forgive him, as we ought always to forgive one another—and you're to tell him from me that he's to be a good boy and never do so again."

"Bless your sweet heart!" cried Bright Jem, and the tears sprang to his eyes. The muffin-maker said nothing, but coughed and bowed.

"There, I think, Mr. Capstick," said Folder in a low voice, "there, I think, is a future treasure for the borough. I trust you'll not let this little story be lost on the good folks of Liquorish. Nobody will appear against the culprit, and therefore take him, and if you can, among you make a bright man of him. Good morning, Mr. Capstick—good morning," and Folder bowed the visitors from the room. Bright Jem paused at the door, and looking back at the child cried, "God bless you every day of your life."

Jem and the muffin-maker were about to quit the house, when they were accosted by Cesar Gum in the hall. In a confidential whisper he said—"Come and take some turkey and wine for lunch: prime Madeary—den we can go to jail for tref: dreadful ting, taking oder people's goods—

come and hab some wine." And then in a still lower tone—"Give you bottle for yuself."

To this invitation, Capstick made no answer; but having looked up and down at the black, strode to the door. Bright Jem nodded—uttered a brief good morning, and followed his companion into the street, leaving Cesar Gum—who had wholly forgotten Jem's previous indignation at the peculated gunpowder—in astonishment at his rejected hospitality.

"We'll now go to Bow-street," said Capstick; and fast as they could walk, they took their way to that abode of justice. They arrived there only a few minutes before the arraignment of young St. Giles at the bar; where he stood, in his own conceit, a miniature Turpin.

"Where are the witnesses—who makes the charge?" There were no witnesses. Again and again his worship put the question. And then he said, "No one is here who knows anything of the matter. The prisoner must be discharged. Boy, don't let me see you here again." Young St. Giles put his thumb and finger to his hair, jerked a bow, and in a few moments was free—free as the air of Hog-lane.

Jem and Capstick followed him into the street. The muffin-maker seizing him, cried—"You little rascal! What do you say for your lucky escape!"

"Say!" answered young St. Giles—"Why, I know'd it was all gammon—I know'd they could prove nothin' agin me."

DOGS' SCENT FOR GAME.—There is a notion that dogs lose their scent or smell for game-birds during the season of incubation. That, however, says a correspondent of the *Gardener's Chronicle*, I consider to be wrong. I think it is more likely that the birds lose, or rather do not emit, scent or smell during the time in question; hence the notion. I mentioned this to a gentleman well acquainted with dogs and game, and he told me the following in favor of what I have advanced. He was once aware of a partridge's nest that was "hard set upon" near where a party of gipsies had fixed their abode, and although they had three dogs with them, yet the wary bird led off her brood three days afterwards. There must be some truth in what I have stated, otherwise the smell from the bird on the nest would have led the prowling dogs upon her. If my views on this subject are correct, it shows a wise provision of Nature to protect birds from harm during incubation; for if it were not so, they must often fall a prey to canine enemies. It may be asked, how does it happen that birds do not emit smell while sitting on eggs? That may be owing to the habits or conditions of birds being changed; for during the time of incubation, they lose in a great measure all thought of self-preservation.

From the *Christian Observer*.

WITH AN ALMANAC.

If an almanac teach us that life wears away,
It tells us how short-lived our sorrow;
If it register joys that must quickly decay,
It points out far brighter to-morrow.

For then, when the grave shall conclude the brief
year

Of earth-born vexations and pleasures,
To the Christian, uprising aloft from the bier,
New worlds shall but open new treasures.

May the lot then be thine *both* portions to know,
That to mortals or seraphs are given;
On earth every blessing that earth can bestow,
With reversion of blessings in heaven.

ABBA FATHER!

"Out of the mouths of babes and sucklings thou hast perfected praise."

At an examination of a deaf and dumb institution some years ago in London a little boy was asked, in writing, who made the world?

He took the chalk and wrote underneath the words—

"In the beginning, God created the heavens and the earth."

The clergyman then inquired in a similar manner—

"Why did Jesus Christ come into the world?"

A smile of gratitude rested on the countenance of the little fellow, as he wrote—

"This is a faithful saying, worthy of all acceptance, that Jesus Christ came into the world to save sinners."

A third was then proposed, evidently adapted to call the most powerful feelings into exercise—

"Why were you born deaf and dumb, when I can hear and speak?"

"Never," says an eye-witness, "shall I forget the look of resignation which sat upon his countenance, as he again took the chalk and wrote—

"Even so Father, for so it seemed good in thy sight."

From Chambers' Journal.

MORNINGS WITH THOMAS CAMPBELL.

It was on a fine morning in May, 1840, that I first called on Mr. Campbell. He then lived in chambers, No. 61, Lincoln's Inn Fields, up two pairs of stairs. He had offered to act as cicerone, and show me the lions of London: and it was with no small pride and pleasure that I repaired to the spot, where he was so often to be seen pacing up and down in solitary meditation. He was always a great walker, and this habit continued with him to the last. I found on the outer door of his rooms, below the brass knocker, a slip of paper on which was written, in his neat classical-like hand, this curious announcement—"Mr. Campbell is particularly engaged, and cannot be seen till past two o'clock." As he had expressly mentioned that I should call between nine and ten o'clock, I concluded that this prohibition could not be meant to be universal, and resolved to hazard an application. He received me with great kindness, and explained that the announcement on his door was intended to scare away a *bore*, who had been annoying him with some manuscripts, and would neither take a refusal nor brook delay. The poet was breakfasting in his sitting-room, which was filled with books, and had rather a showy appearance. The carpet and tables were littered with stray volumes, letters, and papers; whence I inferred that his housemaid was forbidden to interfere with the arrangements of his sanctum. At this time he was, like Charles Lamb, a worshipper of the "great plant," and tobacco pipes were mingled with the miscellaneous literary wares. A large print of the queen hung near the fire-place, the gilded frame of which was covered with lawn paper. He drew my attention to the picture, and said it had been presented to him by her majesty. He valued it highly: "money could not buy it from me," he remarked. In another part of the room was a painting of a little country girl, with a coarse shawl of network pulled over her head and shoulders. The girl was represented as looking out below the shawl with a peculiarly arch and merry expression, something like Sir Joshua Reynolds' Puck. He seemed to dote upon this picture, praised the arch looks of the "sly little minx," and showed me some lines which he had written upon her. These he afterwards published; but as they are comparatively little known, and are not unworthy of his genius, I subjoin them:—

"ON GETTING HOME THE PORTRAIT OF A FEMALE CHILD, SIX YEARS OLD, PAINTED BY EUGENIO LATILLA.

Type of the cherubim above,
Come, live with me, and be my love!
Smile from my wall, dear roguish sprite,
By sun-shine and by candle-light;
For both look sweetly on thy traits;
Or, were the Lady Moon to gaze,
She'd welcome thee with lustre bland,
Like some young fay from fairy-land.
Cast in simplicity's own mould,
How canst thou be so manifold
In sportively-distracting charms!
Thy lips—thine eyes—thy little arms
That wrap thy shoulders and thy head,
In homeliest shawl of netted thread,
Brown woollen network; yet it seeks
Accordance with thy lovely cheeks,
And more becomes thy beauty's bloom

Than any shawl from Cashmere's loom.
Thou hast not to adorn thee, girl,
Flower, link of gold, or gem, or pearl—
I would not let a ruby speck
The peeping whiteness of thy neck:
Thou need'st no casket, witching elf,
No gaud—thy toilet is thyself;
Not even a rose-bud from the bower,
Thyself a magnet, gem, and flower.
My arch and playful little creature,
Thou hast a mind in every feature;
Thy brow with its disparted locks,
Speaks language that translation mocks;
Thy lucid eyes so beam with soul,
They on the canvass seem to roll—
Instructing both my head and heart
To idolize the painter's art.
He marshals minds to Beauty's feast—
He is Humanity's high priest,
Who proves by heavenly forms on earth,
How much this world of ours is worth.
Inspire me, child, with visions fair!
For children, in creation, are
The only things that could be given
Back, and alive—unchanged—to Heaven."

The verses were written on folio paper, the lines wide apart, to leave room for correction—for Campbell, it is well known, was a laborious and fastidious corrector. The passion for children which he here evinces, led sometime afterwards to a ludicrous circumstance. He saw a fine child, about four years old, one day walking with her nurse in the park; and on his return home, he could not rest for thinking of his "child sweetheart," as he called her, and actually sent an advertisement to the *Morning Chronicle*, making inquiries after his juvenile fascinator, giving his own address, and stating his age to be sixty-two! The incident illustrates the intensity of his affections, as well as the liveliness of his fancy—for, alas! the poet had no home-object to dwell upon, to concentrate his hopes and his admiration. Several hoaxes were played off on the susceptible poet in consequence of this singular advertisement. One letter directed him to the house of an old maid, by whom he was received very cavalierly. He told his story—but "the wretch," as he used to say, with a sort of peevish humor, "had never heard either of him or his poetry!"

When I had read the lines, Mr. Campbell retired for a few minutes. "You can look over the books," he said, "till I return." Who has not felt the pleasure of looking over the shelves of a library, with all their varied and interesting associations? The library of a man of genius, too, has peculiar attraction, for it seems to admit us to his familiar thoughts, tastes, and studies. Campbell's library was not very extensive. There were some good old editions of the classics, a set of the *Biographie Universelle*, some of the French, Italian, and German authors, the Edinburgh Encyclopædia (to which he had been a large contributor) and several standard English works, none very modern. He did not care much to keep up with the literature of the day; and his chief delight was—when not occupied with any task—to lounge, in his careless indolent way, over some old favorite author that came recommended to him by early recollections. He occasionally made marginal notes on the books he read. I happened to take down the first volume of "The Beauties of English Poesy, selected by Oliver Goldsmith,"

1767. On the blank leaf of this unfortunate compilation Campbell had written the fact, that, "poor Goldy" had inserted among his "Beauties" designed for young readers, Prior's stories of Hans Carvel and the Ladle. "The circumstance," he added, "is as good as the tales, besides having the advantage of being true." I may here remark, that Mr. Campbell could scarcely ever read Goldsmith's poetry without shedding tears.

The poet soon returned from his dressing-room. He was generally careful as to dress, and had none of Dr. Johnson's indifference to fine linen. His wigs (of which he had a great number) were always nicely adjusted, and scarcely distinguishable from natural hair; while about an inch of whisker on the cheek was colored with some dark powder, to correspond with the wig. His appearance was interesting and handsome. Though rather below the middle size, he did not seem little; and his large dark eye and countenance altogether bespoke great sensibility and acuteness. His thin quivering lip and delicate nostril were highly expressive. When he spoke, as Leigh Hunt has remarked, dimples played about his mouth, "which nevertheless had something restrained and close in it, as if some gentle Puritan had crossed the breed, and left a stamp on his face, such as we often see in the female Scotch face rather than the male." He had, like Milton, a "delicate tunable voice," its high notes being somewhat sharp and painful. When a youth, Campbell was singularly beautiful, which, added to the premature development of his taste and genius, made him an object of great interest. A few literary persons still survive (Joanna Baillie among the number) who knew him at this period, and remember him, like a vision of youth, with great enthusiasm. He was early in flower—the fruit, perhaps, scarcely corresponding (at least in quantity) with the richness of the blossom. Campbell was quite sensible of his interesting appearance, and was by no means disposed to become venerable. He cared little for the artist who copied nature exactly. Lawrence painted and Baily sculptured him *en beau*. Late in life he sat to Park, the sculptor, but he would not take off his wig; and the bust (a true and vigorous one) was no especial favorite because of its extreme fidelity. In personal neatness and fastidiousness, no less than in genius and taste, Campbell, in his best days, resembled Gray. Each was distinguished by the same careful finish in composition, the same classical predilections and lyrical fire, rarely but strikingly displayed. In ordinary life they were both somewhat finical, yet with great freedom and idiomatic plainness in their unreserved communications; Gray's being evinced in his letters, and Campbell's in conversation. Gray was more studious of his dignity; Campbell often acted rashly from the impulse of the moment, careless of consequences. When the late Mr. Telford, the engineer, remonstrated with him on the inexpediency of contracting an early marriage, he said gaily, "When shall I be better off? I have fifty pounds, and six months' work at the Encyclopædia!" To these personal *nugæ* I may add, that his Scottish accent was not strongly-marked, and did not detract from his point and elegance either as a lecturer or converser.

We shortly sallied out. Mr. Campbell was rather nervous, and hesitated at the street crossings. I said the noise of London was intolerable, but that long usage must reconcile people to it. "Never with some," said he: "I have been used

to it for nearly forty years, and am not yet reconciled to it." He certainly seemed uneasy when within the full sound of the great Babel and her interminable roar. When we got to a quiet alley or court he breathed more freely, and talked of literature. He expressed his regret at having edited Shakspeare, or rather written his life for a popular edition of the dramas, as he had done it hurriedly, though with the right feeling. "What a glorious fellow Shakspeare must have been," said he; "Walter Scott was fine, but had a worldly twist. Shakspeare must have been just the man to live with." He spoke with affection and high respect of Lord Jeffrey. "Jeffrey," said he, "will be quite happy now. As a judge, he has nothing to do but seek and follow truth. As an advocate, he must often have had to support cases at which his moral nature revolted." Talking of Jeffrey's criticism, I instanced his review of Campbell's *Specimens of the Poets*, which is copious, eloquent, and discriminating. "You must have taken great pains with some of the lives," I said. "I did," he replied, "*yet they say I am lazy*. There is a washy, wordy style of criticism, and of telling facts, which looks specious, and imposes on many: I wanted, above all things, to avoid that." "You might perhaps have added to your specimens with advantage. Part of Thomson's *Seasons* for example, might have been given, as well as the first canto of the *Castle of Indolence*." "The *Castle of Indolence* is a glorious poem," was his only answer. It must be admitted that in his selections from the poets Mr. Campbell sometimes betrays the waywardness and caprice of a man of genius; but his criticism is invariably sound, and his style of narrative picturesque and graceful. "Spenser," he continued, "is too prolix—his allegory too protracted. Here Thomson, from the nature of his subject, had the advantage. What a fine picture is that of Spenser reading the *Fairy Queen* to Raleigh on the green beside his Irish castle! Raleigh such a noble fellow, and Spenser so sweet a poet; and the country so savage, with its Irish kerns and wild Desmonds, with their saffron-colored kilts and flowing hair!" And the kindling poet quoted some of Spenser's lines—

"I sat, as was my trade,
Under the foot of Mole, that mountain hoar,
Keeping my sheep amongst the cool shade
Of the green alders by the Mulla's shore."

"The *Mole*," said Campbell, "is the Balligowra hills, and the *Mulla* is the Awbeg river: they should change the names, making Spenser godfather. With equal poetical grace Spenser calls Raleigh the 'Shepherd of the Ocean,' and the 'Summer's Nightingale,' both fine characteristic appellations. I like the last particularly, for Raleigh was really a poet, and he planted all about his house at Youghal with myrtles and sweet-smelling plants. Spenser's place, Kilcolman Castle, was only a few miles from Youghal, and no doubt they saw many sunsets together." Campbell was here on a congenial theme, and I am tempted to quote what he has said so eloquently and picturesquely on the same subject in his *Specimens*:—

"When we conceive Spenser reciting his compositions to Raleigh in a scene so beautifully appropriate, the mind casts a pleasing retrospect over that influence which the enterprise of the discoverer of Virginia, and the genius of the author

of the Fairy Queen, have respectively produced on the fortune and language of England. The fancy might even be pardoned for a momentary superstition, that the genius of their country hovered, unseen, over their meeting, casting her first look of regard on the poet that was destined to inspire her future Milton, and on the other on the maritime hero who paved the way for colonizing distant regions of the earth, where the language of England was to be spoken, and the poetry of Spenser to be admired."

This would form a fine painting in the hands of Maclise, or some other poet-spirited artist. Only a few fragments of Spenser's castle remain, matted with ivy; but the situation is still lonely and beautiful—undefaced by any incongruous images or associations. Some of Raleigh's myrtles have also been preserved, and his house still stands. The melancholy fate of both these great men deepens the interest with which we regard their residences. The poet, as is well known, was driven from Kilcolman by a furious band of rebels, who set fire to the castle, burning an infant child in the ruins, and causing, within a few months, from melancholy and despair, the death of the gifted Spenser. Raleigh was sacrificed to the cruelty and cupidity of James I. Let us drop a tear over their sad and chequered history, and thank God that genius, taste, and enterprise, now flourish under milder suns and happier influences!

Campbell was keenly alive to such impressions, and loved to tread as it were in the footsteps of the departed great. He regretted that only one of Milton's London houses should be left—one occupied by him when Latin secretary in Westminster. This house looks into St. James' Park, and is situated in York-street (No. 18), in a poor and squalid neighborhood; but it was then "a pretty garden-house, next door to the Lord Scudamore's." Milton occupied it eight years—from 1651 to 1659. We went also to Dryden's last residence, in Gerrard-street, Soho. Here "glorious John" wrote his magnificent Ode and his Fables, and here he died on May morning, 1700. The house is a respectable old-fashioned dwelling. It was formerly occupied by a comely dame—a Wife of Bath—who dealt in contraband laces, gloves, &c. The late Lord Holland often called to see the interior; but the cautious mistress, presuming that his portly and comfortable presence was that of a custom-house officer or other government functionary, kept the door in her hand, and steadily rejected the solicitations of the peer. Windmill-street, where Sir Richard Steele ran off on seeing the bailiff, is in the close vicinity, and the incidents are, in character and keeping, not unlike each other. There was also Congreve's house at Surrey-street, in the Strand; Johnson's famous residence in Bolt Court, Fleet-street, (now profaned, as he would deem it, by its conversion into a printing-office for a dissenters' newspaper,) and poor Goldsmith's chambers in the Temple, No. 2, Brick Court. His rooms were on the right hand ascending the staircase (as the faithful Mr. Prior relates in his Memoir,) and consisted of three apartments. These are now occupied by a solicitor, who pens law papers in the room where Goldy wrote his plays, or watched the rooks cawing about the time-honored court and garden.

"I have," he says in his *Animated Nature*, "often amused myself with observing their plan of policy from my window in the Temple, that looks upon a grove where they have made a colony in the midst of the city. At the commencement

of spring, the rookery, which during the continuance of winter seemed to have been deserted, or only guarded by about five or six, like old soldiers in a garrison, now begins to be once more frequented; and in a short time all the bustle and hurry of business is fairly commenced."

And there they still bustle and hurry in spring, while Goldsmith sleeps without a stone in the Temple burying-ground. The poet's apartments were looked upon as airy and even splendid in their day. The walls are wainscotted, but have now a dingy appearance. Their occupant was thought to have spent an unnecessarily large sum (£400) in furnishing them, yet the sale catalogue (printed by Prior) shows only one department of profuse expenditure—one highly characteristic of the poet's principle foible, personal vanity. He had only one bed, one sofa, and a moderate complement of necessaries, but he had "two oval glasses, gilt frames," "two ditto, two light girandoles," "a very large dressing-glass, mahogany frame," and "a three-plate bordered chimney-glass, gilt frame." In this multiplicity of mirrors the poet could dress and admire his little undignified person, arrayed in his bloom-colored coat and blue silk breeches. Goldsmith, though contemned and laughed at in his day, and held far inferior to his illustrious friend Johnson, now overtops the whole of that brilliant circle in real popularity and genuine fame. "The wonder is," as Campbell remarked, "how one leading so strange a life from his youth upwards, could have stored his mind with so much fine knowledge, taste, and imagery. His essays are full of thought, and overflow with choice and beautiful illustration."

"Have you been to Windsor?" asked Mr. Campbell. I replied that I had, and spoke of the magnificence of the palace and the parks. "Ay," said he, "the old oaks—the noble old oaks. Did you notice how they spread out their gnarled roots and branches, laying hold of the earth with their talons?" and he put out his clenched hand to help the expression of his vigorous and poetical image. All Scotchmen visiting London in spring should go, he said, a night or two to Windsor, Kew, or Richmond, to hear the nightingale. It was also heard in full voice in the grove around Sion House, the seat of the Duke of Northumberland. He thought Milton's description of the nightingale's note correct as well as rich—

The Attic bird

Trills her thick-warbled notes the summer long.

He maintained, also, with Chaucer and Charles James Fox, (a singular juxtaposition,) that the nightingale's note was a *merry* one, and "though Theocritus mentions nightingales six or seven times, he never mentions their note as plaintive or melancholy." Because it is heard in the silence of the night, generally when we are alone, and amidst the gloom of thick woods, we attach melancholy associations to it. "For pure English nature, feeling, and expression, read Dryden. He is the best informer and expositor." We must understand this as applicable to Dryden's late productions—not his rhyming tragedies and stiff quatrains, which are anything but natural or pleasing.

In the course of our ramble, we called on the poet's namesake, Mr. Thomas Campbell, the sculptor. In looking through the studio, I had occasion to notice the excessive admiration with which he regarded beauty of form and expression. A female bust absolutely entranced him. There

was no tearing him away from it. The fascination was as complete as in the instance of the "Child Sweetheart." This did not seem to be equally the case with pictures. We were afterwards in the National Gallery, and I did not notice any peculiar susceptibility to the beauties of the few very fine pictures in the collection. The charm of the rounded contour, and the effect of the lucid marble, in works of sculpture, no doubt, formed part of the spell. In his *Life of Mrs. Siddons*, Campbell has recorded his impressions on first seeing the Apollo Belvidere in the Louvre; and as the passage is one of the few really worthy of him in that memoir, and illustrates the peculiarity alluded to, I shall extract it:—

"From the farthest end of the spacious room, the god seemed to look down, like a president, on the chosen assembly of sculptured forms; and his glowing marble, unstained by time, appeared to my imagination as if he had stepped freshly from the sun. I had seen casts of the glorious statue with scarcely any admiration; and I must undoubtedly impute that circumstance, in part, to my inexperience in art, and to my taste having till then lain torpid. But still I prize the recollected impressions of that day too dearly to call them fanciful. They seemed to give my mind a new sense of the harmony of art—a new visual power of enjoying beauty. Nor is it mere fancy that makes the difference between the Apollo himself and his plaster casts. The dead whiteness of the stucco copies is glaringly monotonous, whilst the diaphanous surface of the original seems to soften the light which it reflects. Every particular feeling of that hour is written indelibly on my memory. I remember entering the Louvre with a latent suspicion on my mind that a good deal of the rapture expressed at the sight of superlative sculptures was exaggerated or affected; but as we passed through the passage of the hall, there was a Greek figure, I think that of Pericles, with a chlamys and helmet, which John Kemble desired me to notice; and it instantly struck me with wonder at the gentlemanlike grace which art could give to a human form with so simple a vesture. It was not, however, until we reached the grand saloon that the first sight of the god overawed my incredulity. Every step of approach to his presence added to my sensations, and all recollections of his name in classic poetry swarmed on my mind as spontaneously as the associations that are conjured up by the sweetest music."

We next went to the British Museum. I had previously seen the Elgin marbles and other works of art, and Mr. Campbell proposed that we should just glance at the library. He sent in his card to Sir Henry Ellis, who came and conducted us through the rooms. The poet was warm in his admiration of the large room. Sir Henry said there were about 300,000 volumes in the library. The Louvre contains 700,000 or 800,000; but single pamphlets or thin volumes are counted separately; not bound together, several in a volume, as in our national institution. The Cambridge University library consists of about 150,000 volumes—the Bodleian, I should suppose, considerably more; and the rate of increase is about 5000 a-year. It is scarcely possible for a bookish man, new from the solitude of the country, to survey these princely collections, without echoing the sentiment of James I.—"If it were so that I must be a prisoner, I would have no other prison than such a library, and be chained together with all these goodly authors!"

From the museum we proceeded to the house of Mr. Rogers, in St. James' Place. The venerable author of "The Pleasures of Memory" gave his brother bard a courteous and kind reception. He seemed delighted to see him. "Mr. Rogers," said the younger of the poets, "I have taken the liberty to bring a friend from the country to see your house, as I was anxious he should not leave London without this gratification." Mr. Rogers shook me cordially by the hand, and said every friend of Mr. Campbell's was welcome. "But, Campbell," added he, "I must teach you to speak English properly." [Here the sensitive poet stared and reined up a little.] "You must not abuse that excellent word *liberty*, as you have done on this occasion." We now looked over the pictures, and works of art—a marvellous collection for so small a depository! Mrs. Jameson, Miss Sedgwick, and others, have described the classic mansion in St. James' Place. The hospitality of Rogers is proverbial—his breakfasts are famous. Indeed, the poet has the credit of establishing the breakfast-party as a link in London society. He "refined it first, and showed its use." Mornings in St. James' Place are scarcely inferior to the "delicious lobster nights" of Pope. With the poet of memory, manners the most bland and courteous are, even to strangers, united to the fullest and freest communication of thought and opinion. His delicacy of feeling and expression, and his refined taste, are indeed remarkable; but, in place of rendering him miserable, as Byron has surmised, I should say they contributed to his happiness and enjoyment. His life has been long and prosperous, and his relish of it seems unabated: he has had a "latter spring," lusty and vigorous.

No person perhaps possesses so many literary relics and curiosities as Mr. Rogers. The beautiful manuscripts of Gray, written with a crow-quill pen, are among his treasures. In his library—framed and glazed—is the celebrated agreement between Milton and his publisher for the copyright of *Paradise Lost*. The great poet's signature, though he was then old and blind, "fallen upon evil days," is singularly neat and distinct. He has also a bust of Pope, the clay model by Roubiliac. "My father," said Mr. Rogers, "stood by the side of Pope when Roubiliac was modelling that part of the drapery." A bust of Pope, enriched by such associations, is indeed valuable. The features are larger than the common prints represent. I had seen an original painting of him, taken when he was ten or twelve years younger, by Jervas, but it is greatly inferior in expression. Here we had Pope calm, thoughtful, penetrating, somewhat wasted by age, disease and study, but still the clear fine thinker and man of genius. Mr. Rogers showed us also an original sketch by Raphael, for which, if we recollect right, he said the Marquis of Westminster had offered him as much land as would serve for a villa! Autograph letters, "rich and rare," abound in Mr. Rogers' repositories, with scarce books almost as valuable. On one of the tables lay a large piece of amber enclosing a fly, entire in "joint and limb." Mr. Campbell mentioned that Sidney Smith, who has always some original or humorous remark to make on every object, taking up this piece of amber one day, said, "Perhaps that fly buzzed in Adam's ear." After a couple of hours delightfully spent among the books and pictures, Mr. Rogers invited us to breakfast next morning. When we got to the door, Campbell broke out—"Well, now, there is a happy and enviable poet! He is about

eighty, yet he is in the full enjoyment of life and all its best pleasures. He has several thousands per annum, and I am sure he gives away fifteen hundred in charity.

Next morning Mr. Campbell called at the Tavistock hotel, where he had kindly agreed to meet me, that we might go together to St. James' Place. On the way, I mentioned that I had been reading Leigh Hunt's book about Lord Byron, which I had purchased at a stall. "There is a great deal of truth in it," said he; "but it is a pity Hunt wrote it." He thought Byron would have been a better man if he had continued to live in England: "the open light of English society and English manners would have kept him more generally right." We found at Mr. Rogers' two other guests—Major Burns, second son of the poet, and the Honorable Charles Murray. Neither of these gentlemen had seen Campbell before, and they appeared highly gratified at the meeting. In the conversation that passed, I shall of course only glance at literary or public topics, not casual or hasty remarks. Captain Murray informed the poet of the present state of Wyoming in Pennsylvania, which has lost, if it ever possessed, that romantic seclusion and primitive manners drawn so beautifully by Campbell: it is now the scene of extensive iron and coal works. The conversation then turned on Captain Murray's adventures among the American Indians. He was several months without seeing a white man. He said he fully believed the stories told in narratives of shipwrecks, of men becoming wolfish and unnatural from excessive hunger. He was at one time nearly two days without food, though undergoing severe exercise on horseback. At the close of the second day he got a piece of raw buffalo flesh, which he devoured greedily; and had it been a piece of human flesh, he was almost convinced he could not have refrained from eating it. Major Burns instanced Byron's vivid description of the shipwreck in Don Juan, which was founded on fact. "Yes," said Campbell, "Byron read carefully for materials for his poems." The manner in which Byron introduces the cannibalism of the famished seamen—their first dark hints on the subject of murdering one of their number for food—is certainly a very powerful piece of painting. As the cant phrase is—it is like a sketch by Rembrandt.

The presence of Major Burns naturally led to remarks on his father's genius. Campbell got quite animated. He said Burns was the Shakspeare of Scotland—a lesser diamond, but still a genuine one. Tam O'Shanter was his masterpiece, and he (Campbell) could still repeat it all by heart. It reminded him of a certain class of sculpture—the second or Alexandrian class—in which the figures were cast, not hewn or worked out by patient labor. Tam O'Shanter appeared to have been produced in a similar manner, cast out of the poet's glowing fancy, perfect at once. The actual circumstances attending the composition of Tam O'Shanter are not unlike this, as may be seen from the interesting account given by Mr. Lockhart. As Johnson loved to *gird* at David Garrick, but would allow no one else to censure him, Campbell liked occasionally to have a hit at his countrymen, on the score of their alleged Pharisaical moderation and prudence. Burns, he maintained, had none of the *paucity* characteristic of his country—he was the most unscootsmanlike Scotsman that ever existed. Some of us demurred to this sally, and attempted to show that Burns had the national

character strongly impressed upon him, and that this was one of the main sources of his strength. His nationality was a font of inspiration. Mr. Rogers said nothing. Campbell then went on to censure the Scotch for their worship of the great. Even Scott was not exempt from the failing. "I was once," said he, "in company with Walter Scott, where there were many of us, all exceedingly merry. He was delightful—we were charmed with him; when suddenly a lord was announced. The lord was so obscure, that I had never heard of him, and cannot recollect his name. In a moment Scott's whole manner and bearing were changed. He was no longer the easy, delightful, independent good fellow, but the timid, distant, respectful worshipper of the great man. I was astonished: and, after all, you might have made a score of dukes and lords of Walter Scott, and scarcely missed what was taken away." Mr. Rogers said, if he had a son who wished to have a confidential friend, he would recommend him to choose a Scotsman. He would do so in the spirit of the old maxim, that a man will be found the best friend to another who is the best friend to himself. A Scotsman will always look to himself as well as to his friend, and will do nothing to disgrace either. Thus, in his friend, my son would have a good example as well as a safe adviser.

Mr. Campbell said he had, when a young man, an interview with Charles James Fox, which gave him a very high idea of him as a man. It was too bad, he added, in Sir Walter Scott, even in those bad times, to write of Fox as he did in his political song on Lord Melville's acquittal, Fox being at the time on his death-bed. Mr. Rogers explained that Sir Walter had in that room expressed his deep regret at the circumstance: he said he would sooner have cut off his hand than written the lines if he had known the state in which Fox then was. "This," added Rogers, "Scott told me with tears in his eyes." I mentioned having seen some unpublished letters of Sir Walter, addressed to Lady Hood (now Mrs. Stewart Mackenzie of Seaforth,) in which he also expressed regret on account of his unlucky political song, for which he had been blamed by Lady Hood and the then Marchioness of Stafford.

The poets talked of Shakspeare. Rogers said playfully that Shakspeare's defects of style and expression were so incorporated with his beauties, and we were so blinded by admiration, that we did not discover them. He instanced the construction of the fine passage—

"And the poor beetle that we tread upon,
In corporal sufferance feels a pang as great
As when a giant dies."

"The beetle feels nothing when a giant dies, but of course the poet meant that it felt at its own death a pang as great as a giant feels when he dies. Naturalists will not concede this; but I speak only of the construction of the lines; such slovenly and elliptical expression would not be tolerated in an inferior poet." "We are all taught from youth to idolize Shakspeare," said Campbell. "Yes," rejoined Rogers, "we are brought up in the worship of Shakspeare, as some foreigner remarked." The sonnets of Shakspeare were then adverted to, Mr. Rogers expressing a doubt of their genuineness, from their inferiority to the dramas. The quaint expression, and elabo-

rate, exaggerated style of these remarkable productions would not, however, appear so singular in the time of Elizabeth. Poets are generally more formal and stiff in youth than in riper years, and in the plays of Shakspeare we see the gradual formation of his taste and his acquisition of power. It is worthy of remark, however, as Mr. Campbell mentioned, that the *Venus and Adonis* (a truly fine Shakspearian poem) was written before the sonnets, as the poet, in his dedication to Lord Southampton, calls it "the first heir of his invention."

I took occasion to ask Campbell if it was true that Sir Walter Scott had got the whole of the *Pleasures of Hope* by heart after a few readings of the manuscript one evening. "No," said he; "I had not met Scott when the *Pleasures of Hope* was in manuscript; but he got *Lochiel's Warning* by heart after reading it once, and hearing it read another time: it was a wonderful instance of memory." He corrected me for pronouncing "*Lochiel*" as a dissyllable. "It is *Loch-ee-il*," said he; "such is the pronunciation of the country; and the verse require it." Rogers laughed heartily at the anecdote told by Moore, that Scott had never seen Melrose by moonlight, notwithstanding his poetical injunction—

"If thou would'st view Melrose aright,
Go visit it by the pale moonlight," &c.

"He had seen other ruins by moonlight, and knew the picturesque effect, or he could very easily imagine it." Major Burns said that Scott admitted the same to him on the only occasion he had ever met the great minstrel; and Jonny Bower, the sexton, confirmed the statement, adding, "He never got the key from me at night, and if he had got in, he must have *speeled the wa's*." Campbell was greatly amused at this.

Some observations were made on the English style of Scotch authors. It was acknowledged by both the poets that Beattie wrote the purest and most idiomatic English of any Scotch author, not even excepting those who had been long resident in England. The exquisite style of Hume was warmly praised. "He was substantially honest too," said Campbell. "He was, from principle and constitution, a tory historian, but he makes large and liberal admissions on the other side. When I find him conceding to his opponents, I feel a certainty in the main truth of his narrative. Now, Malcolm Laing is always carping at his opponents, and appears often in the light of a special pleader." "Hume has one sentence in his history," said Mr. Rogers, "which all authors should consider an excellent specimen of his style;" and the venerable poet, with great alacrity, went up to the library, and brought down a volume of Hume. He opened it at the account of the reign of James I., and read aloud with a smile of satisfaction—"Such a superiority do the pursuits of literature possess above every other occupation, that even he who attains but a mediocrity in them, merits the preëminence above those that excel the most in the common and vulgar professions." "Dr. Chalmers," continued Mr. Rogers, "went farther than this. In one of his sermons here, which all the world went to hear, he remarked, when speaking of the Christian character, that it was above that of the warrior, the statesman, the philosopher, and *even the poet*—thus placing you, Campbell, above the Duke of Wellington." "Very

good," said Campbell, laughing, "I would place *his father* (looking to Major Burns) above any of them." It was impossible not to think of Campbell's own lines in his *Ode to the Memory of Burns* :—

"O deem not 'midst this worldly strife
An idle art the poet brings;
Let high philosophy control,
And sages calm the stream of life,
'Tis he refines its fountain-springs,
The nobler passions of the soul."

The only instance of Mr. Rogers' severity which I noticed in the course of the forenoon, was a remark concerning a literary foreigner who had been on a visit to London, and left an unfavorable impression on his English admirers. "He made himself one evening," said he, "so disagreeable, that I had a mind to be *very severe*. I intended to have inquired in the tenderest tone how his wife was?" The gentleman alluded to and his wife had, it appears, separated a few days after their marriage from incompatibility of temper. The conversation now turned to the subject of marriage. Mr. Rogers said he thought men had judged too harshly of Swift for his conduct towards Stella and Vanessa. Swift might have the strongest affection for both, yet hesitate to enter upon marriage with either. Marriage is an awful step (a genuine old bachelor conclusion!) and Johnson said truly, that to enter upon it required great moral courage. "Upon my word," said Campbell, "in nine cases out of ten it looks like madness." This led to some raillery and laughter, and we shortly afterwards took our leave. Captain Murray had been compelled to leave early, and we were thus deprived of his lively and varied conversation. Four hours had sped away to my infinite delight. The poets parted with many affectionate words and congratulations, promising "oft to meet again." I walked with Mr. Campbell to the Clarence Club, and on quitting him there, he said, "Be sure to go to Dulwich in the afternoon and see the pictures: you can easily get there, and in the evening roll back to London in that chariot of fire, the railway train."

I did so, and also attempted to Boswellize our morning's talk—my first and only attempt of the kind. Let any one make a similar effort to recall and write down a four hours' conversation, and he will rise with a higher idea of Boswell than he ever previously entertained!

I had afterwards frequent opportunities of meeting the poet. He was seen to most advantage in the mornings, when a walk out of doors, in the sunshine, seldom failed to put him in spirits. He had a strong wish to "make a book" on Greek literature, taking his lectures in the *New Monthly Magazine* for his groundwork. Sometimes I found him poring over Clarke's *Homer*, or a copy of *Euripides*, on which occasions he would lay down the volume, take off his spectacles, and say, with pride, "I was at this by seven o'clock in the morning." Early rising was a favorite theme with him, though latterly he was, like Thomson, more eager to inculcate than to adopt the practice. "*Gertrude of Wyoming*" was a daylight production, written during his residence at Sydenham, near London—his first home after marriage, and the scene of his brightest and happiest days. Mr. Campbell spoke with animation one morning of a breakfast he had just had at Mr. Hallam's. "It

was the breakfast of the poets," said he, "for Moore, Rogers, Wordsworth, and Mr. Milman were there. We had a delightful talk." Campbell had very little regard for the "Lake Poets," as they were called, but he held Wordsworth to be greatly superior to the others. He admired Coleridge's criticism, but maintained that he got some of his best ideas from Schlegel. "He was such an inveterate dreamer," said he, "that I dare say he did not know whether his ideas were original or borrowed." Yet Campbell used to ridicule most of the charges brought against authors of direct plagiarism. One day the late John Mayne, the Scottish poet, accused him of appropriating a line from an old ballad—

"Adown the glen rode armed men."

"Pooh," said he, "the old ballad-writer had it first—that was all." Two well-known images in the Pleasures of Hope are taken, it will be recollected, one from Blair's Grave, and the other from Sterne. A poet, in the hour of composition, waiting for the right word, or the closing image, he once compared to a gardener or florist waiting for the summer shower that was to put all his flower-beds into life and beauty. In his own moments of inspiration, however, Campbell was no such calm expectant. He used to be much excited—walking about—and even throwing himself down. In the island of Mull, where he first felt the force of his rapidly-awakening powers, his friends, at such times, used to think him crazed. But to return to our memoranda. Moore, according to Campbell, had the most sparkling and brilliant fancy of any modern poet. "He is a most wonderful creature—a fire-fly from heaven—yet, as Lady Holland said, what a pity we cannot make him bigger!" Scott, he said, had wonderful art in extracting and treasuring up old legends and characteristic traits of character and manners. "In his poems there is a great deal about the highlands, yet he made only passing visits to the country. After his Lord of the Isles came out, a friend said to me, 'Where can Walter Scott have got all those stories about the West Highlands? I was six weeks there, making inquiries, yet heard nothing of them.' 'It is his peculiar talent—his genius,' I replied; for I was nearly six years there, and knew nothing of them either. Crabbe was a pear of a different tree. What work he would have made among the Highland bothies! His *musa severior* would have shown them up. No romance—no legends—but appalling scenes of sordid misery and suffering. Crabbe was an amazingly shrewd man, yet mild and quiet in his manners. One day at Holland-house they were all lauding his simplicity—how gentle he is! how simple! I was tempted to exclaim, 'Yes, simplicity that could buy and sell the whole of you!'"

The early struggles and ill-requited literary drudgery which Campbell had to submit to for years, gave a tinge of severity to some of his opinions and judgments both of men and things. These splenetic ebullitions, however, never interfered with his practical charity and kindness. He loved to do good, and he held fast by old friends and old opinions. Like Burns, he worshipped "firm resolve,"

That stalk of earl-hemp in man.

Among the literary opinions of Mr. Campbell, was one which he was fond of maintaining—the superiority of Smollett as a novelist, compared with Fielding. This is mentioned in the Life of Crabbe; and I asked in what points he considered the superiority to consist? "In the vigor and rapidity of his narrative," he said, "no less than in the humor of his incidents and characters. He had more imagination and pathos. Fielding has no scene like that in the robber's hut in Count Fathom: he had no poetry, and little tenderness in his nature." Yet the real life and knowledge of human nature evinced by Fielding, his wit, and the unrivalled construction of his plots, seem to place him above his great associate in English fiction. Neither was remarkable for delicacy; but Smollett was incomparably the coarser of the two. Certainly, like good wines, Fielding improves with age, and the racy flavor of his scenes and characters has a mellow ripeness that never cloy on the taste. Mr. Campbell, as already hinted, had a roving adventurous fancy, that loved a quick succession of scenes and changes, and this predilection might have swayed him in favor of Smollett. *Some things* Smollett may have done better than Fielding, but not *entire novels*.

After an interval of two years, I again met Mr. Campbell in London. He was then much changed—feeble and delicate in health, but at times rallying wonderfully. I have a very vivid recollection of a pleasant day spent with him at Dr. Beattie's cottage at Hampstead. We walked over the heath, moralizing on the great city looming in the distance, begirt with villas—

Like a swarth Indian with his belt of beads.

At Beattie's he was quite at home. The kind physician knew him well, and had great influence over him. Mr. Campbell at this time resided at Pimlico. A young Scottish niece acted as his housekeeper, and to this lady he left the whole of his little property.

His letters from Boulogne were few and short, mostly complaining of the cold weather. In a note dated 17th November, 1843, we find him remarking—"The climate here is naturally severer than in England. Joy to you in Scotland, whom Jove treats more mildly! I suppose the cold of the north has been ordered to march all to the south, and that it is to be long billeted upon us!" One cause of the poet's residence in Boulogne was the promotion of his niece's education. Mr. Hamilton, the English consul was, as usual, kind and attentive; but though Campbell now and then looked in upon a ball-room or festive party, he seldom stayed longer than an hour. Dr. Beattie generously went to succor him in his last illness, and the poet had the Church of England service for the sick read to him by the Protestant clergyman of Boulogne. He died calmly and resignedly—his energies completely exhausted. He used to say he was of a long-lived race. Sixty-seven, however, is no very prolonged span of life; yet his two favorite poets, whom he resembled in genius, died much earlier. Gray, at the period of his death, was fifty-five, and Goldsmith only forty-five. Campbell's magnificent funeral in Westminster Abbey is matter of history. *Requiescat in pace!*

ANASTATIC PRINTING.

SPEAKING of this new wonder, Chambers' Journal says:—In contemplating the effect of these astonishing inventions, it is impossible to foresee their results upon the ordinary transactions of life. If any deed, negotiable security, or other legal instrument, can be so imitated that the writer of, and subscriber to it, cannot distinguish his own handwriting from that which is forged, new legislative enactments must be made, and new modes of representing money, and securing property by documentary record, must be resorted to. A paper currency and copyhold securities will be utterly useless, because they will no longer fulfil the objects for which they, and instruments of a like nature, are employed. Again, the law of copyright as respects literary property will have to be thoroughly revised. Let us, for an instant, view the case in reference to "The Times" newspaper. Suppose an early copy of that powerful journal to be some morning procured, and anastatyped in a quarter of an hour. The pirated pages may be subjected to printing machinery, and worked off at the rate of 4000 copies in each succeeding hour, and sold to the public, to the ruinous injury of the proprietors. The government newspaper stamp would be of no protection, for of course that could be imitated as unerringly as the rest. This too, is an extreme case against the imitators; for a newspaper would have to be done in a great hurry. Books, maps, prints, and music, could be pirated wholesale, and at leisure.

Let us not be understood to apply any of these remarks to the inventors, as presuming for an instant, or by the remotest hint or inference, that they would be guilty of unworthy conduct. We merely state what is, we fear, inevitable when their inventions become public property, which, according to our information, from their extreme simplicity, is likely very soon to be the case.

The new process produces all the effects of stereotyping, with the advantage of taking the duplicate from a printed *impression*, instead of from the metal types themselves. So far, however, as we can ascertain, one disadvantage attaches to the new process, which is, that in working off impressions from the zinc plates, a kind of press must be used different from that employed for types—one partaking somewhat of the nature of a lithographic press. Till, therefore, the inventors proceed with their improvements so far as to cause the acid to corrode the interstices of the letters sufficiently deep into the plate, as to make them stand relief of equal height with types, we do not anticipate that, as a substitute for stereotyping, it will be so extensively used as they anticipate. It may also be remarked that the economy of this invention will chiefly be seen in works of limited sale. In such as the present, the typographical arrangements sink into a bagatelle beside the enormous outlay for paper, an abolition of the duty on which would be of more use to such works than an invention doing away with every other expense whatsoever.

In another department of relief printing, there is no question that the anastatic process will cause a complete revolution, and that very speedily; namely, in illustrative and ornamental printing. Wood-engraving will be entirely superseded, for no intermediate process will now be necessary between the draughtsman and the print-

ing of his design. It is generally known that at present the artist draws in pencil his design on the box-wood, and that the engraver, with sharp instruments, cuts away all the white parts or interstices, so as to cause the objects previously figured to stand in relief, that they only may receive the ink passed over them in printing. Unfortunately, many wood-engravers, from want of skill in drawing, do not render the intentions of the designer with fidelity. Now, however, all the draughtsman will have to do will be to make his drawing on paper, and *that*, line for line, will be transferred to the zinc, and produce, when printed, exactly the same effect as his original draught. A pen is recommended for this purpose, which may be used "on any paper free from hairs or filaments, and well sized." The requisite ink is a preparation made for the purpose, and may be mixed to any degree of thickness in pure distilled water, and should be used fresh and slightly warm when fine effect is to be given. In making or copying a design, pencil may be used, but the marks must be left on the paper, and by no means rubbed with India-rubber or bread. The paper should be kept quite clean, and free from rubbing, and should not be touched by the fingers, inasmuch as it will retain marks of very slight touches." A drawing thus produced can be readily transferred to the zinc in the manner above described for typography.

Two pages of the Art-Union are printed upon the new plan. Besides the letterpress, from which we derive our present information, are five printed drawings and an illuminated letter. "The letterpress," says the editor, "was first set in type by the ordinary printer of the Art-Union, leaving spaces for the drawn or engraved illustrations, which having been set into their respective places on a proof of the letterpress, the whole was cast on to a zinc plate, and so printed off." Neither is it to printing of recent date only that the invention is applicable; transfers from books a century old have already been made. "Rare editions" and "Unique copies" will in a few years vanish from the counter of the book-sale and the shelves of the bibliomaniac. Now it is ascertained how exactly they may be counterfeited, not even Doctor Dibdin himself will be able to venture to pronounce upon a "genuine black-letter."

From the Jewish Expositor.

JUDÆA CAPTA.

DARK is the flow of Siloe's stream,
And Zion's walls are low;
Deserted Judah's cities seem
To mourn their children's woe.

Yet mourn not Judah, for the Lord
Will yet his arm extend,
Help to his suffering sons afford,
And Jacob's ills shall end.

From glowing realms of eastern light,
From evening's softer skies,
From where the Seven that rule the night,
In cold conjunction rise.

From southern climes, where'er they be,
Where'er thy sons may roam,
A remnant yet their Lord shall see,
And find their promised home.